

A 228 C 5
COLLECTION

OF THE

L A W S

In favours of the

Reformation in *Scotland*,

In Three PARTS.

Part I. Containing the principal Acts and Statutes made by the Parliaments of *Scotland*, in favours of the true Religion, betwixt our Reformation from Popery (1560.) and the Year 1640. *With An Abridgment of the other Laws respecting Religion, made during that Period.*

Part II. Containing an exact Collection of the Laws made in favours of the Church and Religion in *Scotland*, betwixt the Years 1640 and 1650. *to which are subjoined Three Acts of the Parliament 1661. rescinding the same.*

Part III. Containing the principal Acts and Statutes made by the Parliaments of *Scotland*, in favours of the true Protestant Religion and Presbyterian Church-Government, from the Revolution (1690.) to the Incorporating Union with *England* (1707.) *With An Abridgment of the other Laws respecting Religion, from the Restoration (1660.) to the present Time.*

To all which is subjoined

An INDEX of the principal Contents of these Collections.

The Whole making up

A genuine History of the legal Establishment of Religion in *Scotland*, from the Reformation (1560.) to the present Year 1749. and wherein Care is taken to distinguish the Laws which were rescinded, from the Laws that were never declared to be so.

E D I N B U R G H,

Printed by W. CHEYNE, (by Allowance of his Majesty's Printer) for A. STEVENSON, and sold by him, at his House, South-Side of the *Tobacco*, and by the Booksellers in Town and Country. MDCCXLIX.

Price One Shilling and six Pence.

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L. A. W. S.

1941-1942

Reformation in Scotland

IN THREE PARTS.

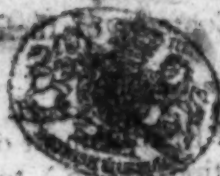
Part I. Contains the proceedings of the conference held by the
Parliament of Great Britain in favour of the non-Resistance to
taxes and the abolition of the slave trade, and the laws respecting
the same.

Part II. Containing an exact Collection of the Laws made in the
House of Commons, and in the House of Lords, in the several
Sessions of Parliament, from the first Session of the first
Parliament of King Charles the Second, to the last Session of
the last Parliament of King William the Third, and King
George the Second, and King George the Third, to the present
Time.

from the Revolution (1800), to the present time.

U. S. DEPARTMENT OF AGRICULTURE

An INDEX of the principal Contents of the Collection.



...of the legal...
...from the Reformation...
...and wherein it is taken to distinguish the
...from the laws that were not
...to be so.

EDWARD

From One Building to the Other

A
COLLECTION
Of the principal
ACTS and STATUTES
Made by the
PARLIAMENTS
OF
SCOTLAND

In favours of the
TRUE RELIGION,
BETWIXT

The Time of our Reformation from *Poper*y
(1560.) and the Year 1640.

WITH

An Abridgment of the other Laws respecting
Religion, made during that Period.

EDINBURGH,

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at his House, South-Side of the *Tolbooth*, and by the Book-
sellers in Town and Country. MDCCXLIX.

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BETWIXT

The Time of our Reformation from Popery
(1560.) and the Year 1800.



An Abridgement of the Acts and Statutes
Relating to the Reformation, made during that period.

EDINBURGH.

Printed by W. CHAMBERLAIN, (by Appointment of his Majesty's
Printer) for Andrew STEWART, at the Edinburgh Press, in his House,
South-side of the Royal Exchange, between the House
Galleries in Town and Country. MDCCLXXXIX.

THE PUBLISHER TO THE READER.

DURING the Period now before us there were Twenty seven Parliaments; three whereof were holden by *Q. Mary*, Twenty three of them by *K. Ja. VI.* and his Regents and Commissioners, and the only Parliament of *K. Charles I.* (not rescinded) was holden by himself in Person.

For preventing such of you as have not Access to be better informed, from being surpris'd at the slow Progress, frequent Interruption, and at length overturning of the Settlement of Religion in this Period, it is inform'd, That altho' according to the *Claim of Right*, this Nation was reformed from *Papery* by Presbyters; and tho' the great *Mr. Knox*, and our other Reformers, did as much as could be expected of Men in their Circumstances; particularly, though the Confession of Faith was ratified in Parliament, and the first Book of Discipline, which contains the Essentials of Presbytery, was agreed on by the Ministers, and subscribed by a great Part of the Privy-Council, both in the 1560. moreover, tho' the second Book of Discipline, wherein the Form of Presbyterian Government and Discipline is more distinctly laid down, was approv'd and registrate by the General Assembly anno 1581. and appointed to be subscribed by all the Ministers of this Church anno 1590. and, in like Manner, though the National Covenant was subscribed by the King and his Household in the Year 1580. and by Persons of all Ranks anno 1581. and again by all Ranks of Persons in the Year 1590. and though

though frequent Applications were made by the General-Assembly, to the Parliament, for a formal and explicit Ratification of Presbyterial Church-Government and Discipline; Yet, as the King himself, and a considerable Part of the Nobility, were at Bottom disaffected to the Strictness (or, as it was reckoned, the Rigour) of Presbyterial Discipline, no more was obtained for the Church, than a general Ratification of her Freedom, Liberty, and Jurisdiction, until the Year 1592. and a formal Settlement of Presbytery was scarce sooner obtained, than Efforts were making to undermine, subvert, and overthrow the same: For King *James*, having succeeded to the Crown of *England* anno 1600. and finding it a fit Method of ingratiating himself to the *English*, he never rested until he got Presbytery overthrown, and *Prelacy* established in its Place, in *Scotland*; and in these Steps did his Son King *Charles*, who succeeded to him anno 1617. tread with Success, until the memorable Year 1638.

Altho' the Order observed by such as have reprinted Part of the following Acts, hath prevailed with us, after their Example, to prefix a Date to each Act, those Dates, tho' corresponding with the Down-sitting of the respective Parliaments, cannot be depended on as the precise Dates of drawing up these Acts.

It remains only to be noticed here, that the Acts said to be given at Length, in the following Collection, are full, genuine, and true, having been taken from and compared with the well known printed Acts whereof they bear the Titles; and that the Abridgments, therewith insert, do agree with the Abridgments made by *Glendock* and *Sir James Stewart*.

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TRUE RELIGION,

BETWIXT

The Time of our Reformation from Popery
(1560.) and the Year 1640.

JAMES VI. Parl. 1. Cap. 2.

1. *Anent the abolishing of the Pape and his usurped Authority.*

At Edinburgh, December 15. 1567.

ITEM, Our Sovereine Lord, with Advise of his dearest Regent, and three Estaites of this present Parliament, ratifyis and apprevis the Act underwritten, maid in the Parliament halldin at *Edinburgh* the 24th Day of *August*, the Zeir of God One thousand five hundred and sixty Zeires. And of new, in this present Parliament, statutis and ordainis the said Act to be as ane perpetual Law, to all our Sovereine Lordis Lieges, in all Times cumming. Of the quhilk the Tenour followis. *Item,*
The

The three Estaites understanding that the Jurisdiction and Authoritie of the Bischop of *Rome*, called *The Pope*, used within this Realme in Times bypast, hes not onely bene contumelious to the eternal God, but also very hurtfull and prejudiciall to our Sovereaine's Authoritie and common Weill of this Realme: THEIRFOIR it is statute and ordained, that the Bischop of *Rome*, called *The Pope*, have na Jurisdiction nor Authoritie within this Realme, in any Time cumming. And that none of our said Sovereaine's Subjects, in any Times heirafter, sute or desire Title nor Right of the said Bischop of *Rome*, or his Sect, to ony Thing within this Realme, under the Paines of Barratrie, that is to say, Proscription, Banishment, and never to bruike Honour, Office, nor Dignitie within this Realme. And the Contraveners heirof to be called before the Justice, or his Deputes, or before the Lords of the Session, and punished theirfoir conform to the Laws of this Realme. And the Furnischers of them, with Finance of Money, and Purchasers of their Title of Right, or Maintainers or Defenders of them, fall incur the samen Paines. And that na Bischop, nor uther Prelat of this Realme, use ony Jurisdiction in Time cumming, be the said Bischop of *Rome's* Authoritie, under the Paine foirsaid. And therefore of newe decernis and ordainis the Contraveners of the samis, in any Time heirafter, to be punished according to the Paines in the foresaid Act above rehearsed.

JAMES VI. Parl. 1. Cap. 3.

II. *Anent the annulling of the Actes of Parliament made against God his Word, and Maintenance of Idolatry in any Times bypast.*

At Edinburgh, December 15. 1567.

ITEM. Our Sovereaine Lord, with Advise of his dearest Regent, and three Estaites of this present Parliament, ratifyis and apprievis the Act underwritten, made in the Parliament haldin at *Edinburgh*, the Twenty fourth Day of *August*, the Zeir of God Ane thousand five hundreth threescore Zeires. And of new, in this present Parliament, statutis and ordainis the said Act to be as a perpetual Law to all our Sovereaine Lordis Liegis in all Times cumming. Of the

Heads of the Confession of Faith.

9

the quhilk the Tenour followis. The quhilk Day, For-
sameikleas there hes beene diverse and sundrie Acts of Par-
liament, made in King *James I.*, *II.*, *III.*, *IV.*, and *V.*'s
Times, Kinges of *Scotland* for the Time, and als in our
Soveraine Ladies Tyme, not agreing with God's haly Word,
and be them diverse Persones tuke Oecasion to maintaine Ido-
latrie and Superstition within the Kirk of God, and re-
pressing of sik Persones as were Professours of the said
Word, quhairthrow divers Innocents did suffer. And for
eschewing of sik Inconvenientes in Time cumming, the
three Estaites of Parliament hes annulled and declared all
sik Acts made in Times bypast, not agreing with God his
Word, and now contrary to the Confession of Faith, ac-
cording to the said Word, published in this Parliament, to
be of nane Availe, Force, nor Effect. And decernis the
said Acts, and every ane of them, to have na Effect nor
Strength in Time to cum, bot the samin to be abolished
and extinguished for ever, in sa far as any of the foirsaidis
Acts are repugnant and contrary to the Confession of Faith,
and Word of God foirsaid, ratified and apprevd be the
Estaites in this present Parliament. And therefor decernis
and ordainis the Contraveners of the samin Act, in ony
Time hereafter, to be punished according to the Laws.
Of the quhilk Confession of the Faith the Tenour follows*.

B

JAMES

* Here followed the Confession of Faith, with Scripture Citations, whereof
the following is the Title, Heads, and Ratification: viz. The Confession of
Faith, and Doctrine of the Protestants of *Scotland*, authorised by the Estates
of Parliament as a Doctrine founded on the infallible Word of God, and
whereof the Heads follow: 1. Of God. 2. Of the Creation of Man.
3. Of original Sin. 4. Of the Revelation of the Promise. 5. The Conti-
nuance, Increase, and Preservation of the Kirk. 6. Of the Incarnation of
Christ Jesus. 7. Why it behoved the Mediator to be very God and very
Man. 8. Election. 9. Christ's Death, Passion, and Burial. 10. Resurrec-
tion. 11. Ascension. 12. Faith in the Holy Ghost. 13. The Cause of
good Works. 14. What Works are reputed good before God. 15. The
Perfection of the Law, and Imperfection of Man. 16. Of the Kirk. 17. The
Immortality of the Soul. 18. Of the Notes by which the true Kirk is dis-
cerned from the false, and who shall be Judge of the Doctrine. 19. The Au-
thority of the Scripture. 20. Of general Countails, of their Power, Autho-
rity, and Cause of their Convention. 21. Of the Sacraments. 22. Of the
right Administration of the Sacraments. 23. To whom Sacraments appertain.
24. Of the Civil Magistrate. 25. The Gifts freely given to the Kirk.

*These Acts and Articles were read and ratified by the three Estates upon the Seven-
teenth Day of August 1560.*

JAMES VI. Parl. 1. Cap. 5.
 III. *Anent the Messe abolished, and punishing of all that hearis
 or sayis the samin.*

At Edinburgh, December 15. 1567.

ITEM, Our Sovereaine Lord, with Advise of his dearest Regent, and the three Estaits of this present Parliament, ratifyis and appreives the Act underwritten, maid in the Parliament halden at *Edinburgh*, the 23d Day of *August* the Zeir 1560 Zeires. And of new, in this present Parliament, statutis and ordainis the said Act to be as an perpetuall Law, to all our Sovereaine Lords Lieges in all Times to cum. Of the quhilk the Tenour followes. The quhilk Day, For-sameikleas Almightie God, be his maist trew and blessed Word, hes declared the Reverence and Honour quhilk suld be given unto him; and, be his Sonne Jesus Christ, hes declared the trew Use of the Sacraments, willing the same to be used according to his Will and Word. Be quhilk it is notour, and perfitelie knawen, that the Sacramentes of Baptisme, and of the Body and Blood of Jesus Christ, hes bene in all Times bypast corrupted be the Papistical Kirk, and be their usurped Ministers. And presentlie, notwithstanding the Reformation alreadie made, according to God's Word: Zit there is sum of the said Papist Kirk, that stubbornly perseveris in their wicked Idolatrie, sayand Messe, and baptizand conforme to the Papist Kirk, prophanand therethrow the Sacraments foirsaidis, in quiet and secrete Places, therethrow nouthir regardand God nor his Word. Therefoire it is statute and ordained, in this present Parliament, That na Maner of Persoun or Persounis, in onie Time-cumming, administrate ony of the Sacraments foirsaidis secretly, or ony uther Maner of Way, but they that are admitted, and havand Power to that Effect. And that na Maner of Persoun nor Persounis say Messe, nor zit hear Messe, nor be present theiral, under the Paine of Confiscatioun of all their Gudis movabill and unmovabill, and punishing of their Bodyes at the Discretioun of the Magistrat within quhais Jurisdictioun sik Persounis happinnis to be apprehended, for the first Fault; Banishment of the Realme for the second Fault; and justifying to the Death for the thrid

thrid Fault. And ordainis all Schireffes, Stewards, Bail-
lies, and their Deputes, Provestes, and Baillies of Burrowes,
and uthers Judges quhatsumever, within this Realme, to take
diligent Sute and Inquisition, within their Bounds, quhair
ony sick usurped Ministerie is used, Messe saying, or they
that beis present at the doing thereof ratifyand and ap-
proovand the samin, take and apprehend them, to the Ef-
fect that the Paines abovewritten may be execute upon them.
And therefore of new decernis and ordaines the Contrave-
neris of the samin, in ony Tyme heirafter, to be punished
according to the Paines of the aforesaid Acte above rehearsed.

JAMES VI. Parl. 1. Cap. 8.

IV. Anent the Kingis Aith to be given at his Coronation.

At Edinburgh, December 15. 1567.

ITEM, Because that the Increase of Vertew, and sup-
pressing of Idolatrie, craves that the Prince and the
People be of ane perfite Religiou, quhilk of God's Mer-
cie is now persently professed within this Realme: Their-
fore it is statute and ordained be our Sovereaine Lord, my
Lord Regent, and the three Estaites of this present Parlia-
ment, That all Kinges and Princes, or Magistrates whatsa-
ever, halding their Plaece, quhilkis hereafter in ony Time
fall happen to reigne and beare Rule over this Realme, at
the Time of their Coronatioun, and Receipt of their prince-
ly Authoritie, make their faithfull Promise be Aith, in Pre-
sence of the Eternall God, That, induring the haill Course
of their Lives, they fall serve the samin Eternall God to
the uttermost of their Power, according as he hes required
in his maist haly Word, reveiled and contained in the
New and Auld Testaments. And, according to the samin
Worde, fall mainteine the trew Religion of Christ Je-
sus, the preaching of his halie Word, and dew and richt
Ministratioun of the Sacraments now received and preached
within this Realme; and fall abolish and gainstand all fals
Religioun contrare to the samin; and fall rule the Peopil
committed to their Charge, according to the Will and
Command of God reveiled in his foresaide Word, and ac-
cording to the lovabill Laws and Constitutions received in
this

this Realme, nawise repugnant to the said Word of the Eternall God. And sall procure, to the uttermaist of their Power, to the Kirk of God, and haill Christian Peopill, trew and perfite Peace in all Time cumming. The Richtis and Rentis, with all just Priviledges of the Crowne of Scotland, to preserve and keip-inviolated, nouthir sall they transfer nor alienate the samin. They sall forbid and repress, in all Estaites and Degries, Reife, Oppression, and all Kind of Wrang. In all Judgementes they sall command and procure that Justice and Equitie be keiped to all Creatures, without Exception, as the Lord and Father of all Mercyis be mercifull to them. And, out of their Landes and Empire, they sall be carefull to rute out all Heretikes, and Enimies to the trew Worship of God, that sall be convict be the trew Kirk of God of the foirsaidis Crymes. And that they sall faithfullie affirme the Things abovewriten be their solemne Aith.

JAMES VI. Parl. 1. Cap. 9.

V. Na Person may be Judge, Procurator, Notar, nor Member of Court, quha professis not the Religion.

At Edinburgh, December 15. 1567.

ITEM, The Kingis Grace, with Advise of my Lord Regent, and the three Estaites of this present Parliament, statutes and ordainis, That na Maner of Person or Persons be received in ony Times heirafter, to bear publike Office removabill of Judgement, within this Realme, bot sik as professis the Puritie of Religion and Doctrine now presentlie established. And that nane be permitted to procure, nor admitted Notar, or created a Member of Court in ony Time cumming, without he in like wise professes the Evangel and Religion foirsaid. Providing always, that this Act be on na wise extended to ony Maner of Person or Persones havand their Offices heritable or in Liferent, but that they may use the samin conforme to their Insestments and Dispositions granted to them thereof.

JAMES

Liberty of the true Kirk ratified, &c. 13

JAMES VI. Parl. 2. Cap. 35.

VI. Ratification of the Freedome and Libertie of the trew Kirk of Gpd.

At Striding, August 28. 1571.

ITEM, Our Sovereine Lord, with Advise and Consent of his said Regent, the three Estaites, and haill Bodie of this present Parliament, hes ratified, and be this present Acte ratifies and appreves all and quhatsumever Actes and Statutes, made of befoir, be our Sovereine Lord, or his Predecessours, anent the Freedome and Libertie of the trew Kirk of God, and Religion now publickly professed within this Realme.

JAMES VI. Parl. 3. Cap. 47.

VII. Adversaries of the trew Religion ar not Subjects to the King. Of Apostates.

At Edinburgh, January 26. 1572.

ITEM, Forsameikleas there hes bene great Rebellion and Disobedience against our Sovereine Lordis Authoritie in Time bypast, and seeing the Cause of Godis true Religion, and his Hienesse Authoritie foirsaid, ar sa joyned, as the Hurt of the ane is common to baith: It is theirfoir declared, statute, and ordained be our Sovereine Lord, with Advise and Consent of his Regentis Grace, with the three Estaites, and haill Bodie of this present Parliament, That nane fall be repute as loyall and faithfull Subjects to our said Sovereine Lord, or his Authoritie, bot be punishable as Rebels, and Gainestanderes of the samin, quhilk fall not give their Confession, and make their Profession of the saide trew Religion*. And that all sik as makis Profession thereof, and zit hes maid Defection fra their dewe Obedience aucht to our Sovereine Lord, fall be admonished be the Pastours and Ministers of the Kirk, to acknowledge their Offense, and returne to their dewtifull Obedience; and, gif they

* Although this Act hath not been formally repealed; yet, seeing Laws go into Desuetude through not being practised, or are rendered ineffectual by opposite Laws, it is thought manifest, that, since the Act of Toleration 1712, this Act cannot be now accounted a standing Law.

14 *Liberty of the true Kirk ratified, &c.*

they failzie therein, to be excommunicate and fecluded from the Societie of the Kirk, as rebellious and corrupt Members, bernixt and the first Day of *Janij* nixt to cum. And that alwaies, befor sik Persounes as hes maid Defection be received to our Sovereine Lordis Mercie and Favour, they shall give the Confession of their Faith of new, and promise to continew in the Confession of the trewe Religion in Time cumming, mainteine our Sovereine Lordis Authoritie; and that they shall, at the uttermaist of their Power, fortifie, assist and mainteine the trew Preachoures and Professours of Christs Religion, against quhatsumever Enimies and Gainstanderes of the samin: And namelie, against all sik, of quhatsumever Nation, Estaite, or Degree they be of, that hes joyned and bund themselves, or hes assisted, or assists to set forward and execute the cruell Decreittes of the Councell of *Trent*, (quhilk maist injuriousslie is called, be the Adversaries of Godis Truth, *The Holy League*) contrarie to the Preachours and trew Professours of the Word of God.

JAMES VI. Parl. 5. Cap. 61.

VIII. *The Ratification of the Libertie of the trew Kirk of God and Religion.*

At Stirling, July 25. 1578.

OUR Sovereine Lord, with Advise of his three Estaites of this present Parliament, has ratified and apprevied, and be the Tenour heirof ratifies and apprevise all and quhatsumever Acts of Parliament, Statutes and Constitutions, past and maid of befor, agreeable to Godis Word, for Maintenance of the Libertie of the trew Kirk of God, and Religion now presentlie professed within this Realm, and Puritie thereof: And decernis and declaris the samin to have the Effect in all Points, after the Form and Tenour theirof.

JAMES VI. Parl. 6. Cap. 68.

IX. *Anent the trew and haly Kirk, and them that are declared not to be of the samin.*

At Edinburgh, October 20. 1579.

OUR Sovereine Lord, with Advise and Consent of his three Estaites, and haill Bodie of this present Parliament, ratifies

ratifies and apprevis all and quhatsoever Actes and Statutes maid of befoir be his Hienes, with Advise of his Regentis in his awin Reigne, or his Predecessoures, anent the Libertie and Freedome of the trew Kirk of God, and Religion now presentlie professed within this Realme. And specially ratifyis and apprevis the sext Act of his Hienes Parliament, haldin the first Zeir of his Majesty's Reign, intitulat, *Anent the trew and halie Kirk, and of them that are declared not to be of the samin.* Ordaining the same to be heir insert of new, (because of sum Defection and Informality of Words in Default of the Prenter) in this Forme: Our Sovereine Lord, with Advise of his three Estaites, and hail Bodie of this present Parliament, hes declared, and declaris the Ministers of the blissed Evangel of Jesus Christ, quhame God of his Mercie hes now raised up amangs us, or heirafter sall raise, agreeing with them that now lives, in Doctrine and Administration of the Sacraments; and the Peopil of the Realme that professis Christ, as he is now offered in his Evangel, and does communicate with the halie Sacraments, (as in the reformed Kirkes of this Realme ar publicklye administrate) according to the Confession of the Faith, to be the trew and halie Kirk of Jesus Christ within this Realme, and decernis and declaris, that all and sundrie, quha outhir gainsayis the Word of the Evangel, received and appreved as the Heads of the Confession of the Faith professed in Parliament of befoir in the Zeir of God One thousand five hundred and sixty Zeires: As alsua specified and registrat in the Actes of Parliament, maid in the first Zeir of his Hienes Reigne, mair particularlie dois expresse, ratified alsua and appreved in this present Parliament; or that refuses the Participation of the halie Sacraments as they ar now ministrat*; to be na Members of the said Kirk within this Realme, and trew Religion now presentlie professed, sa lang as they keep themselves sa divided from the Societic of Christ's Body.

JAMES

* That this Act is gone into a Desertude, and rendred of none Effect by the Act of Toleration, is manifest.

JAMES VI. Parl. 6. Cap. 69.

X. *Quhairin consistis the Jurisdiction of the Kirk.*

At Edinburgh, October 20. 1579.

OUR Sovereine Lord, with Advise of his three Estaites of this present Parliament, hes declared and granted Jurisdiction to the Kirk, quhilk consistis and stands in the Preaching of the trew Word of Jesus Christ, Correction of Maners, and Administration of the halie Sacraments, and declairis that there is na uther Face of Kirk, nor uther Face of Religion, then is presentlie be the Favour of God established within this Realm *, and that there be na uther Jurisdiction Ecclesiastical acknowledged within this Realme, uther then that quhilk is and fall be within the samin Kirk, or that quhilk flows theirfra, concerning the Premisses.

JAMES VI. Parl. 8. Cap. 133.

XI. *That Ministers fall not be Judges, nor exerce any uther ordinar Office that may abstract them fra their Office.*

Edinburgh, May 22. 1584.

THE Kingis Majesty, and his three Estaites assembled in this present Parliament, earnestly desirous that all his loving and gude Subjectes fall be faithfullie instructed in the Doctrine of their Salvation, and that the Ministers of Godis Word and Sacraments may the better and mair diligently attend upon their awin Charges and Vocation: Theirsoir statutis and ordainis, that all the saidis Ministers fall faithfullie await thereupon, to the Comfort and Edification of the Flockes committed unto them: And that nane of them presently being in that Function, or fall be admitted theirtio in Time cumming, fall in ony Waies accept, use, or administrate ony Place of Judicature in quhatsumever civil or criminal Causes, nocht to be of the College of Justice, Commissioners, Advocates, Court Clerkes, or Notaris, in ony Matters (the making of Testaments only excepted) under the Pain of Deprivation fra their Benefices, Livinges, and Functions †;

* Taking this to be meant of the Presbyterial Church of Scotland, then the Act of Toleration overthrows this Act also, because it admits of Episcopacy as another Face of Religion.

Kirkmen should not enjoy Civil Power, &c. 17

tions †; and gif they failzie heirin, being called, tryed, and adjudged culpable be their Ordinars, or be the Kings Majesties Commissioners in Ecclesiastical Causes, they fall then tine their saidis Benefices and Livinges, and uthers qualified Persons fall be presented and provided thereto, as gif they wer naturallie dead.

JAMES VI. Parl. 11. Cap. 23.

XII. Ratification of all Lawes maid anent the Liberty of the Kirk, and all uthers, in the Kingis Minoritie.

At Edinburgh, July 29. 1587.

OUR Sovereine Lord, now and after his lauchful and perfite Age of Twenty ane Zeires complete, with Advise and Consent of his Estaites conveened in this present Parliament, ratifies, apprevis, and, for his Hienes and his Successours, perpetuallie confirms all and quhatsumever Actes maid bee his Hienes, in the Governements of his Regentes during his zounge Age, or sen the Acceptation of the Government of this Realme in his awin Persone, or be his maist noble Progenitours, anent the Kirk of God, and Religion now presentlie professed, and be the Lawes established within this Realme, and that the said Ratification be als effectual as gif all the saidis Actes war heirin expressed, named, and numbered; and cassis, annullis, and abrogatis all Laws, Actes and Statutes, canon, civil, municipal, and uthers Ordinances quhatsumever, maid in onie Times of before, contrair or in Prejudice of the saide trew Religion and Professours thereof.

C

JAMES

† The Deprivation of Ministers from their Functions, though here supposed belonging to the Civil Magistrate, is only competent to the Church organical, by virtue of the intrinsick Power committed to her by the Lord Jesus Christ.

JAMES VI. Parl. 12. Cap. 114.

XIII. Ratification of the Libertie of the trew Kirk: Of Generall and Synodall Assemblies: Of Presbyteries: Of Discipline. All Laws of Idolatrie ar abrogate: Of Presentation to Benefices.

At Edinburgh, June 5. 1592.

OUR Sovereine Lord, and Estaites of this present Parliament, following the lovabil and gude Exemple of their Predecessours, hes ratified and appreeved, and, be the Tenour of this present Act, ratifies and appreis all Liberties, Priviledges, Immunities, and Freedomes quhatsumever, given and granted be his Hienesse, his Regentes in his Name, or onie of his Predecessours, to the trew and halie Kirk, presentlie established within this Realme, and declared in the first Acte of his Hienesse Parliament, the Twentie Day of *October*, the Zier of God Ane thousand five hundreth threescoir ninetene Zeires; and all and quhatsumever Actes of Parliament, and Statutes made of befoir be his Highnesse and his Regentes, anent the Libertie and Freedom of the said Kirk: And speciallie the first Acte of the Parliament halden at *Edinburgh* the Twentie foure Daie of *October*, the Zeir of God Ane thousand five hundreth fourscoir ane Zeires, with the hail particular Actes there mentioned; quhilk fall be als sufficient as gif the samin were here expressed; and all uther Actes of Parliament maid sensine in favour of the trew Kirk: And siklike, ratifies and appreis the Generall Assemblies appoynted be the said Kirk: And declaris, that it fall be lauchfull to the Kirk and Ministers everie Zeir at the least, and oftner *pro re nata*, as Occasion and Necessitie fall require, to hald and keepe Generall Assemblies: Providing that the Kings Majestie, or his Commissioners, with them to be appoynted be his Hienesse, be present at ilk Generall Assemblie, before the dissolving thereof, nominate and appoynt Time and Place quhen and quhair the nixt Generall Assemblie fall be halden: And in case naither his Majestie nor his said Commissioners beis present for the Time in that Toun quhair the said Generall

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nerall Assemblie beis halden * ; then, and in that Case, it fall be lesum to the said Generall Assemblie, be themselves, to nominate and appoynt Time and Place quhair the nixt Generall Assemblie of the Kirk fall be keiped and halden, as they have bene in use to do thir Times bypast †. And als ratifies and apprevis the Synodall and Provinciaill Assemblies, to be halden be the said Kirk and Ministers twise ilk Zeir, as they have bene, and ar presentlie in use to do, within everie Province of this Realme : And ratifies and appreevis the Presbyteries and particular Sessiones appoynted be the said Kirk, with the haill Jurisdiction and Discipline of the samin Kirk, agried upon be his Majestie in Conference had be his Hienesse with certaine of the Ministers conveened to that Effect. Of the quhilks Artickles the Tenour followes. MATERS to be intreated in Provinciall Assemblies. Thir Assemblies ar constitute for weichtie Maters, necessar to be intreated be mutual Consent and Assistance of Brethren within the Province, as Neede requiris. This Assemblie hes Power to handle, ordour, and redresse all Things omitted or done amisse in the particular Assemblies : It hes Power to depose the Office-Beareres of that Province, for gude and just Cause deserving Deprivation : And generallie, thir Assemblies has the haill Power of the particular Elderschippes quhair of they ar collected. MATERS to be intreated in the Presbyteries. The Power of the Presbyteries is to give diligent Laboures in the Boundes committed to their Charge ; that the Kirkes be kept in gude Ordour ; to inquire diligentlie of naughtie and ungodlie Persons ; and to travel to bring them in the Way againe, bee Admonition, or Threatning of Gods Judgements, or be Correction. It ap-
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* As the Church hath an intrinsick Power (as is owned by all Presbyterians) to meet in the Courts of Christ, (whereof a General Assembly is the highest or chief, except OEcumenical Assemblies) by Virtue of the Power committed to her by the Lord Jesus Christ, the Restriction in the Act doth at least seem inconsistent with this her Power and Liberty.

† Let it be remarked, that till this Time the General Assembly met without being indicted by his Majesty, though sometimes he, or his Commissioner, was present thereat.

pertaines to the Elderschippe *, to take heede that the Word of God be purelie preached within their Boundes; the Sacramentes richtlie ministred, the Discipline interteined, and Ecclesiastical Guddes uncorruptlie distributed. It belangis to this Kinde of Assemblies, to cause the Ordinances maid by the Assemblies Provinciales, Nationales, and Generales, to be kepted and put in Execution, to make Constitutions, quhilk concernis το προπον in the Kirk, for decent Ordour in the particular Kirk quhair they governe: Providing that they alter na Rules maid be the Provincial or General Assemblies; and that they make the Provyincial Assemblies foresaid privy of the Rules that they sall make; and to abolish Constitutiones tending to the Hurt of the same. It hes Power to excommunicate the obstinate, formal Proceffs being led, and dew Interval of Times observed. ANENT particular Kirks, gif they be lauchfullie ruled, be sufficient Ministerie and Session, they have Power and Jurisdiction in their owen Congregation in Maters Ecclesiastical. And discernis and declaris the saides Assemblies, Presbyteries, and Sessiones, Jurisdiction and Discipline thereof foresaid, to be in all Times cumming maist just, gude, and godlie in the selfe, notwithstanding of quhatsumever Statutes, Actes, canone, civill or municipal Lawes made in the contrare. To the quhilkis, and everie ane of them, thir Presents sall make expresse Derogation. And because there ar diverse Actes of Parliament, maid in favour of the Papisticall Kirke, tending to the Prejudice of the Libertie of the trew Kirk of God, presentlie professed within this Realme, Jurisdiction and Discipline thereof, quhilk stands zit in the Buikes of the Actes of Parliament, nocht abrogated nor annulled: Therefore his Hienesse, and Estaites foresaids, hes abrogated, cassed and annulled, and bee the Tenour hereof, abrogatis, cassis and annullis all Actes of Parliament, made be onie of his Hienesse Predecessoures for Maintenance of Superstition and Idolatrie, with all and quhatsumever Actes, Lawes and Statutes, maid at any Time before the Daye and Dait hereof, against the Libertie

* By *Elderschips*, our Reformers understood *Presbyteries*; as clearly appears by looking at the *Second Book of Discipline*, Chap. 7. 'Elderschips (say they) are commonly constitute of Pastors, Doctors, and such as we commonly call *Elders*.'

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Libertie of the trew Kirk, Jurisdiction and Discipline thereof, as the samin is used and exercised within this Realme.

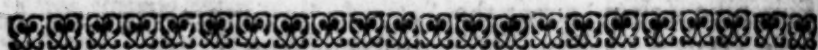
And in speciall, that Part of the Act of Parliament halden at *Strivling* the Fourth Day of *November*, the Zeir of God Ane thousand four hundreth fourtie three Zeires, commanding Obedience, to be given to *Eugenius* the Paipe for the Time : The Acte maid be King *James III.* in his Parliament halden at *Edinburgh* the Twenty four Day of *Februar*, the Zeir of God Ane thousand four hundreth four-scoir Zeires ; and all utheris Actes quhairby the Paipis Authoritie is established : The Acte of King *James III.* in his Parliament held at *Edinburgh* the Twentie Daye of *November*, the Zeir of God Ane thousand four hundreth three-scoir nine Zeires, anent the *Satterday* and uther Vigiles to be halie Days from Even-Sang to Even-Sang.

ITEM, That Pairt of the Act, maid be the Queene Regent in the Parliament halden at *Edinburgh* the first Day of *Februar*, the Zeir of God Ane thousand five hundreth fiftie ane Zeires, giving speciall Licence for halding of *Pasche* and *Zule*. Item, The Kingis Majestie and Estaites foresaidis declaris, That the 129 Acte of the Parliament halden at *Edinburgh* the Twentie second Day of *Maij*, the Zeir of God Ane thousand five hundreth fourscoir four Zeires *, fall nawise be prejudiciall, nor derogate onie Thing to the Priviledge that God hes given to the spirituall Office-Bearers in the Kirk, concerning Heads of Religion, Maters of Heresie, Excommunication, Collation or Deprivation of Ministers, or ony siklike essentiall Censours, speciallie grounded and havand Warrant of the Word of God. Item, Our Sovereine Lord, and Estaites of Parliament foresaidis, abrogatis, cassis, and annullis the Act of the same Parliament, halden at *Edinburgh* the said Zeir Ane thousand five hundreth fourscoir four Zeires, granting Commission to Bischoppes, and utheris Judges constitute in Ecclesiasticall Causes, to receive his Hienesse Presentationes to Benefices, to give Collation thereupon, and to put Ordour in all Causes Ecclesiasticall, quhilk his Majestie and Estaites foresaidis declaris

* As the Act here referred to is vesting a spiritual Supremacy in the King's Person, more seems needful than a simple declarinw that it should not be prejudicial to this Act.

claris to be expired in the selfe, and to be null in Time cumming, and of nane Avail, Force, nor Effect. And therefore ordainis all Presentations to Benefices to be direct to the particular Presbyteries in all Time cumming, with full Power to give Collation thereupon, and to put Ordour to all Maters and Causes Ecclesiasticall within their Boundes, according to the Discipline of the Kirk: Providing the foresaid Presbyteries be bound and astricted to receive and admit quhatsumever qualified Minister presented be his Majestie or laick Patrones *.

* N. B. Patronages are expressly retained in the above Settlement.



A N ABRIDGMENT OF THE

LAWS respecting Religion, from the Reformation (1560.) to the Year 1640. not contained in the preceeding Collection.

JAMES VI. Parl. 1. begun December 15. 1567.

Act VII. Admission of Ministers: Of laick Patrons.

HEREBY it is ordained, That the Examination and Admission of Ministers be only in the Power of the Kirk, without Prejudice to the Patrons, who must present a qualified Person, within six Months after they have Knowledge of the Vacancy, to the Superintendent or Commissioner of the Kirk; otherways the Kirk may dispone upon the Benefice: In case the Patron and Superintendent differ, the Ap

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peal to be made to the Superintendent and Ministers of that Province, and from them to the General Assembly *.

Act XI. The Teacheris of Zouth suld be tryed be the Visitoris of the Kirk.

HEREBY it is ordained, That all Schools and Colleges be reformed, and that none be permitted or admitted to have the Cure thereof, but such as shall be tryed by the Superintendents or Visitors of the Kirk; but now this Power is committed to the Presbytery of the Bounds.

Act XIII. Anent the filthie Vice of Fornication, and Punishment of the samin.

HEREBY it is ordained, That Fornicators, as well the Man as Woman, to pay for the first Fault 40 L. for the second 100 Merks; for the third 100 L. or else to be punished corporally as in the Act; and the said Fines to be applied *ad pios usus* within the Bounds, as the King shall direct; but these Pains are altered by after Acts.

Act XIV. Anent them that committis Incest.

HEREBY it is ordained, That such as commit Incest, by abusing their Bodies with Persons in Degrees expressly forbidden by God's Word, *Leviticus*, Chap. 18. be punished by Death.

Act XXXI. Anent abrogating of all Actes contrarie to the Religioun.

HERE, by an Act made by Q. M. 19th April 1567. granting Impunity to all the Professors of the Religion then received, abrogating all Laws against them, and taking them into her Protection, is recorded.

JAMES

* The Power hereby given to the Superintendents or Commissioners, is devolved upon the Presbytery by after Acts.

JAMES VI. Parl. 3. begun January 26. 1572.

Act XLV. Papistes relapse, and not Communicantes, suld be admonished, and they remainand obstinate ar infamous.

HEREBY it is ordained, That all suspect to be Papists be warned to recant, and give Confession of their Faith, according to the approved Form, under the Pain of Excommunication; and, if they fail, that they be excommunicate: That a Roll be made and printed of the Persons obstinate, or relapse, who shall be infamous, and incapable to sit or stand in Judgment pursue, or bear Office, or to be Witness or Assizers against those of the true Religion; neither can they make Deputes, nor grant Procurations; and an Exception being hereupon proponed and verified by the said Roll, if repelled, and Instruments thereupon taken, shall be a sufficient Ground of Suspension.

Act XLVI. All Ecclesiasticall Persones suld subscribe the Confession of the Faith. Of Hereticks.

HEREBY it is ordained, That all Ministers of Kirks, or beneficed Persons, or who hath Pension or Portion furth of Benefice, within a Month after his Admission, subscribe the Confession of Faith, and give his Oath for acknowledging his Majesty, and make publick Profession of both in the Kirk where he hath Interest, on a Sabbath-Day the Time of Divine Service: *Item*, That any such Person maintaining any Doctrine directly contrary to any Article of the said Confession, and persisting or relapsing after Admonition, be deprived of his Church-Living.

Act LIII. Excommunicate Persones suld be denounced Rebelles.

HEREBY it is ordained, That Persons excommunicate, after forty Days, may be charged by Letters of four Forms, at the Instance of the Party, the King's Advocate, or the Procurator for the Kirk, to satisfy the Sentence, and reconcile themselves to the Kirk; and, if they fail, are to be denounced, and Caption and other Executorials to pass against them.

JAMES

JAMES VI. Parl. 6. begun October 20. 1579.

Act LXX. Discharge of Mercattes and Labouring on Sabbath-Dayes, or playing and drinking in Time of Sermon.

HEREBY Mercats and Fairs on the Sabbath are discharged, and that no Handy-Labour be used thereon, under the Pain of Ten Shillings Scots; nor gaming, playing, passing to Taverns or Ale-Houses, selling of Meat and Drink, and wilful remaining from Kirk the Time of Sermon or Prayers, under the Pain of Twenty Shillings: And if the Offenders be unwilling, or unable to pay, that they be put in the Stocks or Juggs; and the King is to appoint Commissioners in every Parish for executing of this Act.

Act LXXI. Anent the Youth and others beyond Sea suspected to have declined fra the trew Religion.

HEREBY it is ordained, That Persons going out of the Kingdom, for farther Knowledge in Letters, have the King's Licence, which shall contain this Provision, that they shall adhere to the true Religion, and do nothing against it, under the Pain of Barratry; and that, within Twenty Days after their Return, they make and give, before their Ordinary, the Confession of their Faith as now established; or otherwise devoid the Kingdom within Forty Days thereafter, or be pursued as Adversaries to the Religion.

Act LXXII. That Housholders have Bibles and Psalme-Buikes.

THIS Act is in little different from the Title, more than that it prescribes certain Pains to the Disobeyers.

JAMES VI. Parl. 7. begun October 24. 1581.

Act XCIX. The Ratification of the Libertie of the trew Kirk of God and Religion, with Confirmation of the Lawes and Actis maid to that Effect of besoir.

HEREBY is ratified all Acts in favours of the true Kirk and Religion then professed. (This Act contains a full Enumeration of the Acts therein ratified.)

Act G. Provision of Ministers, and certaine Stipendes for them at all Paroche-Kirkes.

HEREBY it is provided, That every Parish, or Bounds competent to be a Parish, have their own Minister, with a sufficient Stipend as the Place may bear; and that Kirks annexed to Prelacies be provided of Ministers with competent Livings.

Act CII. That Ministeris shall be presented be the Kingis Majestie, and the laick Patrones, to all Benefices of Cure under Prelacies.

HEREBY it is ordained, That all Benefices of Cure under Prelacies be presented, by the King and laick Patrons, in favours of able Ministers, and all Gifts otherwise made are declared null.

Act CIII. For Punishment of the Blasphemy of Goddis Name, and utheris horribil Aithes.

HEREBY is ratified, *Act 16. Parl. 5. Q. M.* ordain- ing particular Pains, against profane Swearers, with gradual Augmentations, and ending in Banishment, with an Augmentation of the Pains; and that Magistrates to Burgh and Landward appoint Censors in publick Mercats and Fairs, with Power to exact the said Pains; and that Householdiers delate Offenders within their Houses, under the Pain to be esteemed as Offenders themselves.

Act CIV. Against passing in Pilgrimage to Chappelles, Welles, and Croces.

HEREBY it is ordained, That none go in Pilgrimage to Kirks, Chapels, Croffes, or the like; keep Saints Days, sing Carrols, or observe any other superstitious Papistical Rite, under the Pain of 100 L. the landed Man, 100 Merks the unlanded Man, and 40 L. the Yeoman: And the Offender not reipsonal, to be imprisoned for the first Fault, and for the second that the Offenders be punished by Death as Idolaters.

Act CV. The Explanation of the Act touching the notour and manifest Committeris of Adulterie.

HEREBY is ratified an Act of Q. M. ordaining that open and manifest Adulterers, after due Admonition made to them to abstain, be punished to the Death, reserving the former Laws against other Adulterers: And, by this Act, notour and manifest Adultery, worthy of Death, is declared to be where Bairns are procreate, or the Adulterers keep Company and Bed together notoriously; or when suspect, and duly admonished, they refuse the Kirk by Repentance or Purgation, and are therefore excommunicate.

Act CVI. Against Fugitives, and utheris Papists practizing against the trewe Religion.

HEREBY it is ordained, That no Subjects or Strangers, (except Ambassadors, Messengers, or Merchants) Adversaries of, or Apostates from the true Religion, return to, or remain within this Realm, unless they obey the Law anent giving their Confession of Faith, and that in the mean Time they repair not to the King's Presence or Palace, under the Pain of Imprisonment, until they find Soverty, under the Pain of Five hundred Merks, to satisfy or depart; and that in the mean While they shall not seduce: And that the Makers, Sellers, Home-Bringers, or Dispersers of erroneous Books, incur the Pain of Banishment, and Confiscation of all their Moveables.

JAMES VI. Parl. 8. begun May 22. 1584.

Act CXXIX. Confirming the Kingis Majesties Royal Power over all Estaites and Subjects within this Realme.

THIS Act ratifies the Royal Power and Authority over all Estates, as well spiritual as temporal, in the Person of the King, his Heirs and Successors: And that they and their Councils are Judges competent to all Persons their Subjects; and in all Matters wherein they shall be summoned or charged to answer such Things as shall be inquired

ed of them; and that none decline the King or his Council in the Premises, under the Pain of Treason.

According to Sir *George MacKenzie* in his Observations, this Act was occasioned by Mr. *Andrew Melvil* and other Ministers declining the Privy-Council, as Judges competent to some disrespectful Speeches uttered from the Pulpit.

But by *Act 114. Parl. 12. Ja. VI.* to be found, p. 21. it is declared; That the above Acts shall be noways prejudicial, nor derogate any Thing to the Privilege that God has given to the Spiritual Office-Bearers in the Kirk.

Act CXXXI. Discharging all Jurisdictions and Judgements not approved by Parliament; and all Assemblies and Conventions, without our Sovereign Lord's special Licence and Commandment.

HEREBY all Judgments and Jurisdictions, either spiritual or temporal, not approved by the King and Parliament, are discharged; certifying the Exercers and Obeyers thereof, that they shall be punished as Usurpers and Contemners of the King's Authority.

Act CXXXII. The Causes and Manner of Deprivation of Ministers.

HEREBY it is ordained, That all Ministers, or others having Benefices under Prelacies, suspected culpable of Heresy, Papistry, erroneous Doctrine, common Blasphemy, Fornication, common Drunkenness, Non-Residence for four *Sabbaths* in the Year, without Leave of his Ordinary, Plurality of Benefices, Simony and Dilapidation, being found guilty, shall be deprived from both Office and Benefice. That, in the Case of Plurality of Benefices, the Acceptation of the last be sufficient Cause of Deprivation; and a Minister being convict of a capital Crime, and therefore also orderly deprived, his Benefice vaiks.

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JAMES VI. Parl. 10. begun December 10. 1585.

Act XII. All Leagues and Bonds maid without the Kinges Consent are null.

HEREBY is ratified *Act 43. Parl. 6. Q. M.* declaring the Nullity of all Leagues made in Time bygone among the Subjects, under the Pain of Warding during the Queen's Pleasure, and discharging any to be made in Time coming, without his Highness's Privity and Consent, under the Pain to the Makers to be holden and execute as Movers of Sedition.

Thus the Bonds and Leagues made for setting forward the Reformation were of Course condemned, and the like Practice prohibit in Time coming.

JAMES VI. Parl. 11. begun July 29. 1587.

Act XXIV. Anent Tryal and Punishment of the Adversaries of the trew Religion.

HEREBY is ratified all Laws made against the Adversaries of the true Religion, and the Seducers or Persuaders to decline therefrom; that any profest Papist, or Seminary Priest, found after the Space of a Month after the Publication of the Acts of this Parliament, shall incur the Pains of Death, and Escheat of Moveables; and their Referters and Suppliers, by the Space of three Days and three Nights, tyne their Liferents. All Sayers and Hearers of Mass, Profaners of the Sacraments, Persons suspected to have declined, Withdrawers from the Preaching of the Word, Seducers by Reasoning, or dispersing of Books or Letters, being called before the Council or Justices and convicted, incur the Tinsel of their moveable Goods and Liferent.

Act XXV. The Sellers and Dispersers of erroneous Buikes suld be punished, and the Buikes destroyed.

HEREBY Magistrates of Burghs, with a Minister, may search for and destroy erroneous Books, and put the Homebringers in Ward, until they be punished in Person and Goods at the King's Will.

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Act XXVII. Punishment of Troublers of the Kirk, Invaders of Ministers, and of excommunicate Persons entrand into the Kirk.

HEREBY it is ordained, That Troublers of the Kirk, or who raises any Fray therein, or in the Kirk-Year, the Time of divine Service, be punished by Tinsel of their Moveables: That who invades or puts violent Hands on any Minister, shall be punished by Tinsel of their Moveables for the Violence allenary, the one Half to the King, the other to the Party offended; and that Letters be thereon direct, at the Instance of the Minister, the King or Kirk's Advocate, or any other Person: And that a Person excommunicate, entering the Kirk the Time of the Ministration of the Sacraments, or common Prayers, should be charged in God and the King's Name to remove; and, if he refuse, the Minister after the Service may cause apprehend and ward him until he find Caution, at the Minister and Elders Sight, to reconcile himself to the Kirk, and make Amends for the Offence; and if he desorce any in the Execution of the Premises, that his Moveables be escheat, and his Person in the King's Will.

N. B. The Acts both above copied and abridged, and several others respecting Stipends, and other Matters extrinsical of Religion, are all ratified in the 114 *Act, Parl. 12. Jam. VI.* to be seen at Length, p. 18.

JAMES VI. Parl. 12. begun July 5. 1592.

Act CXX. Sayers of Messe, Jesuites, Seminarie Priests, trafficking Papists, and Receipters of any of them, committis Treason.

HEREBY it is declared, That the Saying of Mass, and the Resetting of Jesuits, Seminary Priests, and trafficking Papists against the King and the present Religion, infer the Crime and Pain of Treason, both against the Persons reset, and their Resetters: But if the Jesuits and Priests shall satisfy the King and Kirk, their Resetters are free.

Act CXXII. The Mercattes, quibilkis ar forbidden on the Sabbath-Day, may be halden on the oulk Dayes.

THE above Title is as plain and explicite as the Act itself.

Act CXXIII. Quha hes not given Confession of their Faith, sall not enjoy the Benefite of the Act of Parliament.

HEREBY it is ordained, That none have the Benefit of the Act of Pacification 1572. and Act of Oblivion 1585, except such as profess the present true Religion, and acknowledge the King's Authority.

JAMES VI. Parl. 13. begun July 21. 1593.

Act CLIX. Mercattes and Fairs ar forbidden on the Sabbath-Day.

HEREBY *Act 70. Parl. 6. Jam. VI.* is ratified; and all Judges, and others whom it shall please Presbyteries to name, are charged to put away Fairs and Mercats on *Sabbath*; and that Letters be direct, at the Instance of the Presbytery, against them for this Effect.

Act CLX. Contemners of the Decrees of the Kirk suld be denounced Rebelles.

HEREBY it is ordained, That a Person being charged by the Beadle, and thereafter by the Minister of the Parish, three *Sabbath-Days* from Pulpit, in the Name of God and the King, to obey a Sentence of the Kirk against him, and refusing, may be cited, upon Supplication of the Judicatory that gave the Sentence, before the Lords of Session, that Letters of Horning, on a Charge of ten Days, be direct against him in case of Disobedience.

Act CLXIV. Anent the Sayers of Messe, and Receipters or Interentiners of excommunicate Papists.

HEREBY it is ordained, That the Sayers of Mass, and wilful Entertainers of such, shall, for the first Fault,
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infer the simple Escheat; for the second the Liferent Escheat; and for the third the Pain of Treason and Forfeiture.

JAMES VI. Parl. 14. begun June 8. 1594.

Act CXCIII. Against wilful Hearers of Masse.

HEREBY it is ordained, That all wilful Hearers of Masse, and Concealers of the same, be execute to the Death, and their Goods escheat, they being therefore found guilty, or declared Fugitive before the Justice or Privy-Council.

Act CXCIV. Anent Satisfaction to the Kirk be Papistes.

HEREBY it is declared, That Papists, required by Presbyteries to satisfy the Kirk, and not compearing, or refusing, should be charged to produce the Presbyteries Testimonial to the Privy-Council; and, in case of Failie, denounced, whereby their Escheat, both simple and Liferent, vaiks; and who thereafter resets them incurs the same Pain; and the Presbytery, or any Minister thereof negligent, fines the Half of his Stipend for that Year.

Act CXCVIII. For the better observing of the Sabbath-Day.

HEREBY former Acts of the Kind are ratified, with this Addition, that who sells, or presents to Sale, any Goods, on the Sabbath, and shall be thrice convicted thereof, shall fine all their Moveables, and their Persons be in the King's Will.

JAMES VI. Parl. 15. begun December 19. 1597.

Act CCXXXI. All Ministers provided to Prelacies suld have Vote in Parliament.

HEREBY it is ordained, That all Ministers provided to the Title of a Bishop, Abbot, or other Prelate have Vote in Parliament, siklike as Prelates had of old.

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N. B. As this was the first legal Step to the Introduction of Prelacy, it met with considerable Opposition from the Ministers, and became an Occasion of Suffering to severals of them; but was rescinded *annis* 1640 and 1690.

JAMES VI. Parl. 16. begun *November* 15. 1600.

Act I. *The 5th Day of August is appointed for giving yearly solemn Thanks to God.*

HEREBY the 5th Day of *August* yearly is appointed to be a Day of Thanksgiving to God for ever, for King *James VI.* his Preservation from the treasonable Attempts of the Earl of *Gowry* and his Brother, with Abstinence from all Works that may distract from the said Exercise.

But according to *Calderwood's History*, p. 443. and downwards, *Gowry* was a Presbyterian, a good Man, and a bold Opposer of Episcopacy, &c. and as there was therefore a Necessity of getting him out of the Way, a Conspiracy was alledged against him, for which he and his Brother were massacred, and the above Thanksgiving appointed: And, be in the Conspiracy what will, the Truth of it was then so much doubted, that few sound Presbyterians would observe that Day. Many suffered for it; and particularly, for this alone, was the great Mr. *Robert Bruce*, Minister of *Edinburgh*, banished the Kingdom.

Act XVI. *Ratification of the Acts maid of before in favours of the Kirk.*

HEREBY was ratified all Acts anent the Liberty and Freedom of the true Kirk of God and Religion presently professed in this Realm.

Act XVII. *Anent Non-Communicants.*

HEREBY it was ordained, That all Men communicate once a-Year, without respect to the Excuse of deadly Feid, under the Pains specified in the Act.

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Act

Act XVIII. Ratification of the Act anent Jesuits, Priests, excommunicate and trafficking Papists.

HEREBY it is ordained, That all Jesuits, Seminary Priests, excommunicate and trafficking Papists, common Enemies to all Christian Government, be apprehended and committed by all Magistrates, untill they be converted, or put out of the Kingdom, or punished conform to the Acts of Parliament; and that none reset them under the Pains specified in the Act.

JAMES VI. Parl. 18. begun July 9. 1606.

Act II. Anent the Restitution of the Estate of Bishops.

HEREBY is rescinded the Act of Annexation of the Temporality of Benefices to the Crown, made in the Parliament 1587. and other Laws whatsoever, in so far as the same may in any ways comprehend or be extended to the Authority, Dignity, Prerogative, Privileges, &c. of Bishops; and it doth reponer, restore and redintegrate the said Estate of Bishops to their ancient and accustomed Honour, Dignities, Prerogatives, Privileges, Livings, Lands, Tithes, Rents, Thirds, and Estate, as the same was before the foresaid Act of Annexation, &c.

Against this Act, the solemn Protestation recorded by Calderwood (Hist. p. 527.) was taken; which Protestation is acknowledged and approved by the Parliament 1640. and this Act rescinded both by that Parliament and the Parliament 1690.

JAMES VI. Parl. 19. begun August 11. 1607.

Act I. Anent Sayers and wilful Hearers of Masses.

HEREBY it is ordained, That all wilful Resetters of excommunicate denounced Papists, after Publication made by the Minister of the Parish, pay the Penalties of Non-Communicants,

JAMES

7 JAMES VI. Parl. 10. begun June 24. 1609.

Act I. Anent chusing of Pedagogues to Children passing forth of Scotland to Schools.

HEREBY it is ordained, That Pedagogues sent by Noblemen, and others, with their Sons out of the Country, have the Bishop's Testimonial of his Religion and Learning, under the Pains, to the Earl, of 5000 L. to the Lord, of 5000 Merks, and to the Baron, of 3000 Merks.

Act II. Against Children that becomes Papists when they are out of Scotland.

HEREBY it is ordained, That such as send their Sons abroad have a special Care that their Stay may be where the true Religion is professed, especially where they want Pedagogues, at least where the Inquisition is not: And in case any of these Sons haunt the Exercise of contrary Religion, those that have the Charge of them must find Caution to furnish them no more Money, except their reasonable Expences to bring them home.

Act III. Anent excommunicate Persons not to enjoy their Lands, Rowmes and Possessions.

HEREBY it is ordained, That no Persons excommunicate for not conforming to the Religion presently professed, directly nor indirectly, possess their Estates, but that the same be meddled with to his Majesty's Use.

Act V. Against Jesuites, Seminary Priests, Sayers or Hearers of Masse, Papists, and Refettters of them.

HEREBY all Acts against Jesuits, Seminary Priests, Papists, and their Refettters, are ratified, declaring, as to their Refettters, that Intimation and Denunciation, made at the Head-Burgh of the Shire, and Market-Cross of Edinburgh, shall be sufficient to put them in *inola fide*

Act VI. Of the Commissariets and Jurisdiction given to Archbishops and Bishops.

HEREBY the Archbishops and Bishops have the Jurisdiction of Commissariets, and Administration of Justice, by their Commissioners and Deputies, in all Spiritual and Ecclesiastical Causes controverted between any Persons within their Diocese. The Commissaries of *Edinburgh* are appointed, (two to be nominate by the Archbishop of *St. Andrews*, and two by the Archbishop of *Glasgow*) with sole Power to decide all Causes of Divorcement, and to reduce all other Commissaries Decrees in *prima instantia*, with Subordination, nevertheless, to the Lords of Session : But this Act is afterwards repealed.

Act VIII. Anent the Chapter of Sanct Androes.

HEREBY it is ordained, That the Appointment of a Chapter for *St. Andrews* consist of at least Seven, to be chosen by the Archbishop of those dwelling and having Charge within his Diocese : But this Act is afterwards repealed.

JAMES VI. Parl 21. begun October 23. 1610.

Act I. A Ratification of the Acts and Conclusions set down and agreed upon in the General Assemblie of the Kirk kept in Glasgow in the Moneth of June 1610. together with an Explanation made by the Estaites of some of the Articles of the same.

HEREBY the Indiction of the General Assembly is acknowledged to appertain to his Majesty by his Crown-Prerogative. The Bishops shall moderate in the Diocesan Synod, whereof there shall be two in the Year. No Sentence of Excommunication or Absolution must be pronounced without the Bishop's Approbation and Direction. All Presentations, formerly direct to the Presbyteries, must be directed hereafter to the Archbishop or Bishop of the Diocese within which the vacant Benefice lies ; to whom also the *jus devolutum*,

devolutum, in case of the Bishop's Neglect, belongs. If the Incumbent, to get into the Office, do part with Part of the Benefice to the Patron, the Bishops must take Care that he reserve a sufficient Maintenance. Deposition and Suspension of Ministers must proceed upon the Motion and at the Sight and Direction of the Bishop, and he must pronounce the Sentence. Every Minister at his Admission must swear Obedience to his Majesty, as well in Spirituals as Temporals; and to his Ordinary, *i. e.* the Bishop, and to his Successors. The Visitation of each Diocese must be done by the Bishop himself, or some other deputed by him: And that the Conventions of Ministers, for Exercise, shall be moderated by the Bishop, or, in his Absence, by any other Minister whom he shall appoint; and abrogating the Settlement of Presbytery 1592. But this Act is afterwards rescinded.

JAMES VI. Parl. 22. begun June 28. 1617.

Act I. Anent the Election of Archbishops and Bishops.

HEREBY the Manner of their Election is appointed to be by the Dean and Chapter of the Cathedral Kirk of the Sec; which being testified to his Majesty, he gives his Royal Assent, which passes the Seal, and a Mandate is given to the Bishops, who consecrate him with the ordinary Rites; which being done, the King dispones to him the Benefice, and then the Person admitted does Homage, and gives an Oath of Allegiance and Fidelity to his Majesty: But this Act is afterwards rescinded.

Act II. Anent the Restitution of Chapters.

HEREBY it is ordained, That all Deans and other Members of Chapters of Cathedral Kirks be restored to their Manfes, Glebes and Patrimony; for which End the same are dissolved from the Crown, &c. But this Act is afterwards rescinded.

Act

Act XIX. Anent the Punishment of Drunkards.

HEREBY it is ordained, That Persons convict of Drunkenness, or haunting of Taverns and Ale-Houses, after Ten of the Clock at Night, or any Time of the Day, except the Time of Travel, or for Refreshment, pay, for the first Fault, 3 L. or be put in Joggs or Jayle six Hours; for the second, 5 L. or be put in Joggs or Jayle 12 Hours; and for the third, 10 L. or Stocks or Jayle 24 Hours: And if they hereafter transgress, to be put in Jayle till they find Caution; and all inferior Judges and Kirk-Sessions are empowered to execute this Act, and apply the Pains to pious and necessary Uses.

JAMES VI. Parl. 23. begun August 4. 1621.

Act I. Ratification of the five Articles of the General Assembly of the Kirk, holden at Perth in the Month of August 1618.

HEREBY are ratified these five Articles, concluded in that Assembly, viz. 1. That the Sacrament of the Lord's Supper be celebrate by the People on their Knees. 2. That it be privately administrate to Persons on Deathbed, three or four being present to communicate with them, and a Place convenient, and all Things necessary decently provided. 3. That Baptism, when great Need shall compel, be administrate in private Houses, and Declaration made thereof the next Lord's Day in the Congregation. 4. That Ministers catechise all young Children of Eight Years of Age, and that the Bishops, in their Visitations, cause present them to them, and bless them, with Prayers. And, 5. That the Days of our Lord's Birth, Passion, Resurrection and Ascension, and sending down of the Holy Ghost, be observed by the Ministers in Commemoration of these inestimable Benefits; which Articles are ordained to be obeyed as Laws, and all Laws and Customs in the contrary rescinded: But this Act is afterwards repealed.

Act XIV. Anent playing at Cards and Dyce; and Horse Races.

HEREBY it is ordained, That none play at Cards or Dyce in any common House, Town, Hostellary, of Cook's House, under the Pain of 40 L. the Keeper of the said House for the first, and Loss of Liberty for the second Fault; and that there be no playing in any private House, except where the Master plays; and if more be won in 24 Hours than 100 Merks, it shall be consigned in the Kirk-Treasurer's Hand in *Edinburgh*, or in the Collector for the Poor his Hands in the Country: And if any Man gain by Wagers, upon Horse-Races, above the Sum of 100 Merks; that the Superplus be consigned in the Hands of the Collector for the Poor; and Magistrates in Burghs, Sheriffs, and Justices of Peace in the Country, are impowered to pursue for the said superplus Gain, or else are declared liable to the Informer in the Double thereof, Half to him, the other Half to the Poor.

King Charles I. *Parl. 1. begun June 28. 1633.*

Act III. Act anent his Majesties Royal Prerogative, and Apparel of Kirkmen.

HEREBY is ratified the 8th *Act, Parl. 20. Ja. VI.* whereby the Parliament refers to the King to appoint the Habits and Apparel of Kirkmen; and provides that the same, being sent to the Clerk-Register, shall be by him insert in the Books of Parliament, to have the Strength of an Act thereof; and that Letters may be direct thereupon, charging the Persons concerned to provide within 40 Days, and wear and use the said Apparel, at the Times and in the Manner his Highness shall appoint, and by this Act the same Power, as to the Apparel of Kirkmen, is declared to remain with King Charles and his Successors.

Act IV. Ratification of the Acts touching Religion.

HEREBY is generally ratified all Laws made anent the Liberty and Freedom of the true Kirk of God, and Religion presently professed within this Realm.

Act

Act V. Ratification of the Act of Council anent Plantation of Schooles.

HEREBY is ratified the Act of Council 10th December 1616. for planting of Schooles, and the Bishop of the Diocese is impowered, with Consent of the Heritors, and most Part of the Parishioners, or, if the Heritors refuse, with Consent of most Part of the Parishioners, to lay a Stent on every Plough for Maintenance of the said Schooles, and Letters are ordained to be direct at the School-Masters Instance, &c.

Act VI. Against the inverting of pious Donations.

HEREBY it is ordained, That Gifts, Legacies, or Donations for pious Uses, may not be inverted from the specifick Use destinate by the Giver or Disponer, and the Persons intrusted are made comptable for the same, and ordinary Profits thereof, to the Kirks, Colleges, and others to which they were destinate, &c.

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AN EXACT
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LAWS

Made in favours of the

Church and Religion

IN

SCOTLAND,

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The Years 1640 and 1650.

To which are subjoined

Three Acts of the Parliament 1661. rescinding
the same.

EDINBURGH,

Printed by W. CHEYNE, for ANDREW STEVENSON Writer,
and sold by him, at his House, South-Side of the *Talbooth*,
and by the Booksellers in Town and Country.

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To which are appended

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to the same.

EDINBURGH

Printed by W. Grieve, for Andrew Stevenson, Writer
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TO THE READER.

IT is the Observation of *Solomon*, the wisest of Kings *, that *to every Thing there is a Season*, and that *a Word spoken in due Season, how good is it* †? It cannot, (though taking too much Place in our Day) be the Duty of any to juggle out private personal Reformation and Holiness of Life and Walk, by a speculative Contending for publick Reformation: For that Zeal, which doth not begin with and carry alongst the first, seems not to be a Spark of the Lord's kindling; and yet for any, whose Hearts the Lord hath graciously touched, to sit silent, when a publick Testimony for born-down and buried Truths is called for, is inconsistent with that Honour and Character the Lord gives them in his Word, *Isa. xliii. 10. Ye are my WITNESSES, saith the Lord.*

For a Person or People, trysted with the Lord's rare Mercies and eminent Kindness, and bound in the most solemn Manner to improve the same to his Glory, to bury, forget and undervalue, be ashamed of, contradict and reproach the same, must no doubt procure their unspeakable Loss, as well as indelible Reproach: And yet to this awful Length is it come, not only with all those whose greatest Joy it would be to see us involved in the Labyrinth wherein the last Period left us, but also with too many sometime pretended Friends to the Reformation which obtained in this second Period, who, to justify their backsliding Courses, when they cannot square the same thereby, do squeeze, torture, and metamorphose that Reformation into their own Likeness, alledging at least an equal, if not greater Perfection in their own Way than in it.

What Height the Work of Reformation came to in the Period now before us, is pretty evident from the following Collection of Acts, which contains so many of the covenanted Boundaries and March-Stones set up by our Parliaments, in
a Time

* Eccles. iii. 1. † Prov. xv. 23.

a Time, when, as they thereby acted for the Lord, he was, according to many concurring Testimonies, eminently seen to be with them.

As by what obtained both in this, and during a good Part of the former Period, the Lord's Faithfulness hath been evinced in the ancient Promise made to the Church *, *That Kings should be her nursing Fathers*; and more particularly the Promises made to the Isles of the Sea: *Isa. lx. 9. Surely the Isles shall wait for me*; and *Psal. lxxii. 10. The Kings of the Isles shall bring Presents*: So the present Publication thereof seems necessary, in respect of God, of ourselves, and of others.

1. In respect of God, his Authority obliges us † to walk about Zion, and go round about her; to tell the Towers thereof, to mark well her Bulwarks, and consider her Palaces: **THAT** we may tell it to the Generation following. And seeing our Fathers have told us what Work God did in their Days, Gratitude requires of us, not only that we should remember the Years of the Right Hand of the MOST HIGH, but also that we should praise his Works to another Generation, and declare his mighty Acts ‡.

2. In respect of others, this Collection may be of Use for reaching Conviction of the Sin of the Parliament 1661, in rescinding the Laws after insert, and of the Revolution-Parliament in leaving them so buried; as also for justifying the Conduct of the Instruments who procured the making of these honourable Laws, the Martyrs who suffered for adhering to the Lord's Cause thereby approved and ratified; and such as since have espoused, and endeavour to support the same Cause; and for the Information of the ignorant, and of the Generation following. And,

3. In respect of ourselves, this Undertaking may be of Use, for evidencing our Love to these Laws, and our Desire that the same may be revived, or at least a thankful Remembrance thereof preserved amongst us, and that we may with our own Eyes, discern the true Settlement of Religion that obtained in that Period, the great Difference betwixt it and the present

* *Isa. xlix. 23.*

† *Psal. xlviii. 12, 13.*

‡ *Psal. cxlv. 4.*

present Settlement, and who at present may be reckoned up-
right Propagators of the same Cause: But not to stay here.

During the ten Years now before us there were only three
Parliaments; the first, intituled, *The second Parliament of King
Charles*, sat down the 11th June 1640. and after some Time
it was adjourned to the 15th June 1641. and at this Session
of Parliament the King was present, acknowledged their
Authority, and ratified the whole Acts of this and the pre-
ceding Session of Parliament, amongst which this was one,
*Act 17. anno 1640. That every third Year, once at least, there
should be a full and free Parliament; and that the Time and
Place should be appointed by his Majesty, or his Commissioner for
the Time, and the Estates of Parliament, before the End and Clos-
ing of every Parliament; and the said Parliament 1641. hav-
ing, by their 7. Act, appointed the next Parliament to con-
veen the first Tuesday of June 1644. they met accordingly;*
and because, through the Part taken by the Scots in the civil
War raised by the King in England, he would countenance
none of their Parliaments hereafter, therefore the Estates
of the Land, being essentially Judges, and seeing the True
Protestant Religion, his Majesty's Honour, and the Peace and
Interest of the Kingdom, were in great Hazard, they did;
by virtue thereof, and Act above mentioned, continue the
Parliament for several Times, making in all six Sessions, end-
ing 27th March 1647. at the End of which Time they ap-
pointed their second triennial Parliament to meet March 2.
1648. and the first Session thereof having ended June 10.
that Year, they continued the Parliament till the first Thurs-
day of March 1650. but withal they impowered their Com-
mittee to conveen the Parliament sooner if they thought fit-
ting. And the said Committee having seen Cause to conveen
the Parliament, January 4. 1649. they then met in their se-
cond Session, and having sat till March 16. 1649. they
continued this Parliament to May 23. said Year; and having
conveened in their third Session Time aforesaid, and sat till
August 7. 1649. they continued themselves unto the first
Thursday of March 1650. And though after this none of their
Acts were published, owing, it may be presumed, to the
Usurper Cromwell's over-running most of the Country, it is cer-
tain

tain they had two after Meetings, which rescinded the Act of Classes, &c. So say Messieurs *Wodrow* and *Cruikshanks*, in the Introduction to their Histories of the Church of Scotland, and several others.

As there is no one Thing pleasing to every Palate, and that nothing hath been more galling to carnal and malignant Spirits, than the Reformation that then obtained, it need not be surprising to find a Variety of Objections to these Laws; and though to pretend to their Perfection, were to forget that the Instruments who made them were Men, yet may I venture to say of the very strongest of those Objections, that they do expose their Authors exceedingly more than they can do these Laws, or even the Instruments concerned in making them. For Instance,

1. It hath been objected by the Carriers on of the unlawful Engagement with *England* 1648. in their Letter to the several Presbyteries within the Kingdom, that, under Presence of Religion, great Incroachments were made by the Church upon the Rights of Parliament.

To which the General Assembly answer *, ' If their Lordships mean any politick Interest in such Undertakings, we claim no such Thing; if the Meaning be of a spiritual Interest, and so far as concerneth the Point of Conscience, there can be no Doubt thereof made by such as do, with *David*, make the Testimonies of the Lord their Counsellors, *Psal.* cxix. 24. and consult with God, as he used to do, in undertaking War: It is also to be remembred, that *Josias* and all the Congregation of *Israel* were commanded to go out and in at the Word of *Eliazer* the Priest, who was to ask Counsel of the Lord for them, *Numb.* xxvii. 28, &c.'

2. It hath been objected, That the Parliaments in this Period were illegal, wanting the King or his Commissioners Presence thereat, &c.

To this an Answer hath already been materially given; to which I add, with the Author of the Apologetical Relation †, (1.) That the Want of this Formality cannot be the Cause of annulling these Parliaments, or Sessions of Parliament, because they annul the very Session of Parliament 1641. at which King *Charles* was present. (2.) There was then no

Law

* Acts of Assembly, p. 404. † p. 131.

• Law making the Presence of the King or his Commissioner
 • essential to every Parliament, far less to every Session of
 • Parliament. (3.) There have been many Parliaments hol-
 • den in *Scotland*, without either King or Commissioner, as in
 • the Days of King *James II.* *annis* 1437, 1438 and 1440.
 • where there is no Mention made of the King in the Acts,
 • as there is at the next Parliament 1443. but only of the
 • three Estates of Parliament concluding and ordaining: So anno
 • 1560. there is a Parliament holden at *Edinburgh* by the
 • three Estates, without either King or Queen, and several
 • Acts thereof ratified, *Parl. 1.* King *James VI.* And anno
 • 1567. the Parliament is kept by the Regent and the
 • three Estates, without the Queen who then did reign, as
 • the Acts of Parliament 1581. King *James VI.* shew; for
 • there these Words are to be found in the first Act thereof,
 • And especially the Act made in the Reign of the Queen his dear-
 • est Mother, in the Parliament holden at *Edinburgh*, 19th A-
 • pril 1567.

3. It is objected, That the whole Acts in this Period, and
 the Authority of the Parliaments who made them, having
 been rescinded by the Parliament in the 1661. and the Au-
 thority thereof never revived to this Day, they are null, and
 of none Effect; and therefore, what the Parliament say for
 rescinding them must strike against republishing thereof,
namely, That they are a Reproach to the Kingdom, and un-
 fit to be any longer upon Record.

Answer. This indeed must unloose the *Gordian Knot*; and
 I grant that in *foro humano* these Acts cannot be now pled up-
 on; but, in *foro Dei*, that which was lawful from the Begin-
 ning cannot be afterwards made sinful. These Acts carry
 undoubted Evidence alongst with them of their Morality,
 and consequently of their tending to the Glory of God, and
 the Credit of those who made or suffered for them. or now
 adhere unto them; and therefore the Reproach alledged must
 recur upon those who rescinded them: As, 1. The Re-
 proach of rescinding the Covenants, National and Solemn
 League, (the Land's Covenants with the Lord) the Con-
 fession of Faith, Catechisms, Directory, Form and Order of
 Church-Government, &c. all ratified by these Parliaments.
 2. The Reproach of condemning the famous General Assem-
 bly

bly 1638. also thereby ratified. 3. The Reproach of condemning all the Meetings, Councils and Conventions of the Subjects, for preserving and promoting Reformation at the Beginning of this Period, the defending themselves against the Popish, Prelatical and malignant Party, who rose in Arms under *Montrose* and others, and helping *England* in the Day of their Distress, all approved by the Acts of this Period. And, 4. The Reproach of running themselves into seen Absurdities: As, (1.) The Absurdity of condemning Parliaments lawfully convened, as hath been shewn. (2.) The Absurdity of condemning many Laws morally good, as themselves have granted, by since making Acts of a like Nature to severals in this Period. (3.) The Absurdity of condemning the very Parliament, who by their Commissioners treated with King *Charles II.* at *Breda*, and who afterwards received and crowned him. For more of this Sort the Reader may consult the Apologetical Relation, from p. 128. to 135. *inclusive*.

The Allegation from another Quarter, namely, That the Laws made in favours of Religion betwixt the Years 1640 and 1650. were all revived, either generally or more expressly, at the Revolution, does also afford a proper Occasion for answering thereto: But the Vanity thereof being elsewhere sufficiently exposed, particularly in a Pamphlet lately published, intitled, *A Criterion*, Head III. Sect. 1. I shall not farther trouble you with Repetitions. Whoever hath that Performance at Hand, will, I hope, be of Opinion, that it contains many useful Remarks upon the following Acts, and discovers the vast Difference betwixt that and the present Settlements of Religion, and that the one is a necessary Supplement to the other.

I only add, that, as the following Collection contains all the Laws made in favours of Religion during this Period, so it is exactly transcribed from the only printed Edition of the rescinded Acts.

That you may get Good by the following Collection, is the Desire of your Friend,

The PUBLISHER.

AN

AN EXACT
COLLECTION
OF THE
LAWS
Made in favours of the
CHURCH and RELIGION
IN
SCOTLAND,

Betwixt the Years 1640 and 1650.

CHARLES I. Parl. 2. Sess. 1. begun June 11. 1640.

Act II. *Anent the Constitution of the Parliament, and all subsequent Parliaments.*

THE Estates of Parliament, presently convened by his Majesties speciall Authoritie, considering that this present Parliament was indicted by his Majestie, for ratifying of such Acts as should be concluded in the late Assemblie of the Kirk, for determining all civill Matters, and settling all such Things as may conduce to the publick Good
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and Peace of this Kirk and Kingdome; and considering the several Complaints of this Kirk unto Parliaments from Time to Time, proceeding from her continuall Experience of Prejudice and Ruine through many Persons, and specially of Prelates their attempting to voyce or do any Thing in Name of the Kirk, without either bearing Office in the Kirk, or having Commission from the Kirk; and the Acts of the late Generall Assemblie condemning the Office of Bishops, Archbishops, and other Prelates, and the civil Places and Power of Kirkmen, as their voycing and ryding in Parliament; and craving the abolishing of these Acts of Parliament which grants to the Kirk or Kirkmen Vote in Parliament, to be abrogate, as prejudiciall to her Liberties, and incompatible with her spirituall Nature; considering also that there are conveened in this present Parliament, by his Majesties speciall Indiction, Warrant and Authoritie, the Nobilitie, Barons, and Burgeses, the Estates of this Kingdome, who have a full and undoubted Power to proceed and determine in all Matters concerning the publick Good of this Kingdom, and that notwithstanding of the Absence of the Prelates, who by former Lawes were appointed to bee Members of Parliament: And to the Effect none presume to move any Question thereanent, the saids Estates now conveened, as said is, have declared, and by these Presents declares this present Parliament, holden by the Nobilitie, Barons and Burgeses, and their Commissioners, the true Estates of this Kingdome, to be a complete and perfect Parliament, and to have the same Power, Authority and Jurisdiction, as absolutely and fully as any Parliament formerly hath had within this Kingdome in Time bygone: And ordaines all Parliaments hereafter to be so constitute, and to consist onely, in all Time coming, of the Noblemen, Barons and Burgeses, as the Members and three Estates of Parliament: And rescindes and annulls all former Lawes and Acts of Parliament made in favours of whatsoever Bishops, Archbishops Abbots, Pryors, or other Prelates or Churchmen whatsoever, for their ryding, sitting, or voycing in Parliament, either as Churchmen, or the Clergie, or in Name of the Church, or as representing the Church as an State or Member of Parliament, by Reason of their Ecclesiasticall Offices, Titles, Dignities, or Benefices; and

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and namely the 231 *Act, Parl. 15. K. Jam. VI. 1597.* anent the Kirk, and specially Parsons and Prelates representing the third Estate; and the 2d *Act, Parl. 18. K. Jam. VI. 1606.* anent the Restitution of the Estate of Bishops, and their representing the third Estate, with all Acts and Constitutions of Convention, Councill or Session, and all Practises and Customes whatsoever, in so far as the same, or any Clause thereof, tends or may be extended to the Effect foresaid, as being found and declared prejudiciall to the Libertie of this Kirk and Kingdom, and to the Puritie of the true reformed Religion therein established: And prohibites all Persons whatsoever to call in question the Authoritie of this present Parliament, upon whatsoever Pretext, under the Pain of Treason.

*Act IV. Anent the Ratification of the Acts of the Assembly.**

THE Estates of Parliament presently convened by his Majesties special Authoritie, ratifies, approves, and perpetually confirms the Act of the Generall Assemblie holden at *Edinburgh* in the Moneth of *August* last bypast, made upon the Seventeenth Day of the said Moneth, and in the eighth Session of the said Assembly, intituled, Anent the six Causes of our bygone Evils, whereof the Tenour followes. The Kings Majestie having graciously declared, that it is his Royall Will and Pleasure, that all Questions about Religion and Matters Ecclesiasticall be determined by Assemblies of the Kirk, having also, by publick Proclamation, indicted this free Nationall Assembly, for settling the present Distractions of this Kirk, and for establishing of a perfect Peace, against such Divisions and Disorders as have been fore displeasing to his Majestie, and grievous to all his good Subjects. And now his Majesties Commissioner, *John Earl of Traquair*, instructed and authorized with a full Commission, being present, and sitting in this Assembly, now fully convened and orderly constitute in all the Members thereof, according to the Order of this Kirk, having at large declared his Majesties Zeal to the reformed Religion, and his Royall Care and tender Affection to

* This Title is, by Mistake, intituled, *Ratification of Acts*, for there is only one Act of Assembly ratified; but then it is observable, that Act contains the Substance of all the Acts of the Assembly 1638.

to this Kirk, where his Majestie had both his Birth and Baptisme, his great Displeasure at the manifold Distractions and Divisions of this Kirk and Kingdom, and his Desires to have all our Wounds perfectly cured, with a faire and fatherly Hand; and although, in the Way approven by this Kirk, Tryall hath been taken in former Assemblies before, from the Kirk Registers, to our full Satisfaction; yet the Commissioners Grace, making particular Inquirie from the Members of the Assembly now solemnly convened, concerning the real and true Causes of so many and great Evils, at this Time past had so sore troubled the Peace of this Kirk and Kingdom, it was represented to his Majesties Commissioner, by this Assembly, that, beside many other, the main and most materiall Causes were, first, the pressing of this Kirk by the Prelates, with a Service-Book, or Book of Common-Prayer, without Warrant or Direction from the Kirk, and containing, beside the Popish Frame thereof, divers Popish Errours and Ceremonies, and the Seeds of manifold and grosse Superstitions and Idolatrie; with a Book of Canons, without Warrant or Direction from the Generall-Assembly, establishing a tyrannicall Power over the Kirk, in the Persons of the Bishops, and overthrowing the whole Discipline and Government of the Kirk by Assemblies; with a Book of Consecration and Ordination, without Warrant of Authoritie civil or ecclesiasticall, appointing Offices in the House of God which are not warranted by the Word of God, and repugnant to the Discipline and Acts of our Kirk; and, with the High Commission erected without the Consent of this Kirk, subverting the Jurisdiction and ordinary Judicatories of this Kirk, and giving to Persons meerly ecclesiasticall the Power of both Swords, and to Persons meerly civill the Power of the Keyes and Kirk-Censures. A second Cause was the Articles of *Perth*, viz. the Observation of Festivall Dayes, kneeling at the Communion, Confirmation, Administration of the Sacraments in private Places, which were brought in by a null Assembly, and are contrary to the Confession of Faith, as it was meant and subscribed *anno* 1580. and diverse Times since, and to the Order and Constitution of this Kirk. 3dly. The Change of the Government of the Kirk, from the Assemblies of the Kirk, to the Persons of some Kirkmen usurping

Priority

Priority and Power over their Brethren, by the Way and under the Name of Episcopall Government, against the Confession of Faith 1580. against the Order set down in the Book of Policie, and against the Intention and Constitutions of this Kirk from the Beginning. 4thly. The civill Places and Power of Kirkmen their sitting in Session, Councell, and Exchequer, their ryding, sitting, and voycing in Parliament, and their sitting in the Bench as Justices of Peace, which, according to the Constitutions of this Kirk, are incompatible with their spirituall Function, lift them up above their Brethren in worldly Pomp, and doe tend to the Hinderance of the Ministerie. 5thly. The keeping and authorizing corrupt Assemblies at *Linlithgow* 1606, 1608. at *Glasgow* 1610. at *Aberdene* 1616. at *St. Andrews* 1617. at *Pearth* 1618. which are null and unlawful, as being called and constitute quite contrary to the Order and Constitutions of this Kirk, received and practised ever since the Reformation of Religion, and withall labouring to introduce Novations into this Kirk, against the Order and Religion established. A sixth Cause is, the Want of lawfull and free Generall Assemblies, rightly constitute of Pastours, Doctours, and Elders, yearly, or oftner *pro re nata*, according to the Liberty of this Kirk expressed in the Book of Policie, and acknowledged in the Act of Parliament 1592. After which the whole Assembly, in one Heart and Voyce, did declare, That these, and such other, proceeding from the Neglect and Breach of the Nationall Covenant of this Kirk and Kingdome, made anno 1580. have been indeed the true and main Causes of all our Evils and Distractions; and therefore ordain, according to the Constitutions of the Generall Assemblies of this Kirk, and upon the Grounds *respective* above specified, That the foresaid Service-Book, Books of Canons and Ordination, and the High Commission, be still rejected, That the Articles of *Pearth* be no more practised, That Episcopall Government, the civill Places and Power of Kirkmen, be holden still as unlawfull in this Kirk, That the above named pretented Assemblies at *Linlithgow* 1606, 1608. at *Glasgow* 1610. at *Aberdene* 1616. at *St. Andrews* 1617. at *Pearth* 1618. be hereafter accounted as null, and of none Effect; and that for Preservation of Religion, and preventing all such Evils in Time coming,

54 *The Church's intrinsick Power ratified.*

comming, Generall Assemblies rightly constitute, as the proper and competent Judge of all Matters Ecclesiastical, hereafter be kepted yearely, and oftner *pro re nata* as Occasion and Necessitie shall require : (The Necessitie of these occasional Assemblies being first remonstrated to his Majestie by humble Supplication) as also that Kirk-Sessions, Presbyteries, and Synodal Assemblies, be constitute and observed according to the Order of this Kirk ; which Act, with all and sundrie the particular Heads, Clauses, and Articles therein contained, the Estates now convened by his Majesties Indiction, Warrant and Authoritie foresaid ratifies, approves, and confirms in all Points, in Manner as the same propoerts : And gives thereunto the Strength of a Law and Act of Parliament, and ordaines Execution to pass thereupon as effects, and rescindes, casses, and annulls all Acts and Decrees of Parliament and Councell formerly made, contrair and in Prejudice of the said Act, or any Part thereof.

Act V. Anent the Ratification of the Covenant, and of the Assemblies Supplication : Act of Councell, and Act of Assembly concerning the Covenant.

THE Estates of Parliament, presently convened by his Majesties speciall Authoritie, considering the Supplication of the Generall Assembly at *Edinburgh* the 12th Day of *August* 1639. to his Majesties High Commissioner, and the Lords of his Majesties Honourable Privie Councell, and the Act of the Councell, the 30th of *August* 1639. containing the Answer of the said Supplication, and the Act of the said Generall Assembly, ordaining, by their Ecclesiasticall Constitution, the Subscription of the Confession of Faith and Covenant mentioned in their Supplication : And withall, having supplicated his Majestie to ratifie and enjoyne the same by his Royall Authoritie, under all civill Paines, as tending to the Glorie of God, Preservation of Religion, the Kings Majesties Honour, and the perfect Peace of this Kirk and Kingdome, do ratifie and approve the said Supplication, Act of Councell and Act of Assembly ; and conforme thereto ordaines and commands the said Confession and Covenant to be subscribed by all his Majesties Subjects, of what Rank and Qualitie soever, under all civill Paines : And ordaines the

said

said Supplication, Act of Councill, and Act of the Assembly, with the whole Confession and Covenant itselfe, to bee insert and registrate in the Acts and Books of Parliament: And also ordaines the samine to be presented at the Entrie of every Parliament, and before they proceed to any other Act, that the same be publickly read and sworne by the whole Members of Parliament claiming Voyce therein, otherwise the Refusers to subscribe and swear the same shall have no Place nor Voice in Parliament: And such like ordaines all Judges, Magistrates, or other Officers of whatsoever Place, Rank or Qualitie, and Ministers at their Entrie, to sweare and subscribe the samine Covenant; whereof, and of the said Supplication, Act of Councill, and Act of the Assembly, the Tenour follows, &c.

The Supplication of the Generall Assembly convened at Edinburgh the 12th of August 1639. to his Majesties High Commissioner, and the Lords of his Majesties Honourable Privie Councill.

WE the Generall Assembly, considering with all humble and thankfull Acknowledgment the many recent Favours bestowed upon us by His Majestie, and that there resteth nothing for crowning of his Majesties incomparable Goodnesse towards us, but that all the Members of this Kirk and Kingdome be joyned in one and the same Confession and Covenant with God, with the Kings Majestie, and amongst ourselves: And conceiving the main Lett and Impediment to this so good a Work, and so much wished by all, to have been the Informations made to his Majestie of our Intentions to shake off civill and duetifull Obedience due to Sovereignty, and to diminish the Kings Greatnesse and Authoritie, and being most willing and desirous to remove this and all such Impediments which may hinder and impede so full and perfect an Union, and for clearing of our Loyaltie, wee, in our own Names, and in Name of all the rest of the Subjects and Congregations whom we represent, do now in all Humility represent to your Grace, his Majesties Commissioner, and the Lords of his Majesties most Honourable Privie Councill, and declares before God and the World, That we never had nor have

have any Thought of withdrawing ourselves from that humble and duefull Obedience to his Majestie, and to his Government, which by the Descent, and under the Reigne of 207 Kings, is most chearfully acknowledged by us and our Predecessours; and that we never had nor have any Intention nor Desire to attempt any Thing that may tend to the Dishonour of God, or the Diminution of the Kings Greatnesse and Authoritie; But, on the contrary, acknowledging our Quietnesse, Stabilitie and Happinesse to depend upon the Safety of the Kings Majesties Person, and Maintenance of his Greatnesse and Royall Authoritie, who is Gods Vicegerent set over us for the Maintenance of Religion and Administration of Justice, wee have solemnly sworn, and do sweare, not only our mutuall Concurrence and Assistance for the Cause of Religion, and to the uttermost of our Power, with our Meanes and Lives, to stand to the Defence of our dread Sovereigne his Person and Authority, in the Preservation and Defence of the true Religion, Liberties and Lawes of this Kirk and Kingdome; but also, in every Cause which may concern his Majesties Honour, shall, according to the Lawes of this Kingdome, and the Duties of good Subjects, concurre with our Friends and Followers, in quiet Manner, or in Armes, as we shall be required of his Majestie, his Councell, or any having his Authority. And therefore, being most desirous to clear ourselves of all Imputation of this Kind, and following the laudable Example of our Predecessours 1589. do most humbly supplicate your Grace, his Majesties Commissioner, and the Lords of his Majesties most Honourable Privie Councell, to injoyn by Act of Councell, that this Confession and Covenant, which, as a Testimony of our Fidelity to God, and Loyalty to our King, wee have subscribed, be subscribed by all his Majesties Subjects of what Ranke and Quality soever.

The Act of his Majesties most honourable Privie Councell at Edinburgh, August 30. anno 1639. containing the Answer of the Supplication above written.

THE which Day, in Presence of the Lord Commissioner, and Lords of Privie Councell, compeared personally

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*John Earl of Rothes, James Earl of Montrose, John Lord Low-
down, Sir George Stirling of Keir Knight, Sir William Douglass
of Cavers Knight, Sir Henry Wood of Bonyoun Knight, John
Smyth Burgesse of Edinburgh, Mr. Robert Barclay Provost of
Irwing, Mr. Alexander Henderson Minister at Edinburgh, and
Master Archibald Johnston Clerk to the Generall Assembly,*
and, in the Name of the present sitting Generall Assembly,
gave in to the Lord Commissioner, and Lords of Privie Coun-
cell, the Petition above written; which being read, heard,
and considered by the saids Lords, they have ordained, and
ordain the same to be insert and registrate in the Bookes of
Privie Councell; and, according to the Desire thereof, ordaines
the said Confession and Covenant to be subscribed in Time
comming by all his Majesties Subjects of this Kingdome, of
what Rank and Quality soever.

*The Act of the Generall Assembly ordaining, by Ecclesiasticall Au-
thoritie, the Subscription of the Confession of Faith and Cove-
nant.*

THE Generall Assembly considering the great Happinesse
which may flow from a full and perfect Union of this
Kirk and Kingdome, by joyning of all in one and the same
Covenant with God, with the Kings Majestie, and amongst
ourselves, having, by our great Oath, declared the Uprightnes
and Loyalty of our Intentions in all our Proceedings, and
having withall supplicated his Majesties High Commissioner,
and the Lords of his Majesties honourable Privie Councell,
to injoyne, by Act of Councell, all the Lieges in Time com-
ming to subscribe the Confession of Faith and Covenant,
which, as a Testimony of our Fidelity to God, and Loyalty
to our King, we have subscribed; and seeing his Majesties
High Commissioner, and the Lords of his Majesties honour-
able Privie Councell, have granted the Desire of our Suppli-
cation, ordaining, by civil Authority, all his Majesties Lie-
ges in Time comming to subscribe the foresaid Covenant,
that our Union may be the more full and perfect, we, by
our Act and Constitution Ecclesiasticall, do approve the fore-
said Covenant, in all the Heads and Clauses thereof, and or-
daines of new, under all Ecclesiastical Censure, that all the

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Masters

Masters of Universities, Colledges and Schooles; all Scholars at the passing of their Degrees; all Persons suspect of Papistry, or any other Errour; and finally all the Members of this Kirk and Kingdome subscribe the same, with these Words prefixed to their Subscription: *The Article of the Covenant, which was at the first Subscription referred to the Determination of the Generall Assembly, being determined, and thereby the five Articles of Perth, the Government of the Kirk by Bishops, the civill Places and Power of Kirk Men, upon the Reasons and Grounds contained in the Acts of the Generall Assembly, declared to be unlawfull within this Kirk, wee subscribe according to the Determination foresaid.* And ordaines the Covenant, with this Declaration, to be insert in the Registers of the Assemblies of this Kirk, Generall, Provinciall and Presbyteriall, *ad perpetuam rei memoriam*; and in all Humility supplicates his Majesties High Commissioner, and the honourable Estates of Parliament, by their Authority, to ratifie and injoyne the same, under all civill Paines, which will tend to the Glory of God, Preservation of Religion, the Kings Majesties Honour; and perfect Peace of this Kirk and Kingdome.

The Confession of Faith, subscribed at first by the Kings Majestie and his Household, in the Yeare of God 1580. thereafter by Persons of all Ranges in the Yeare 1581. by Ordinance of the Lords of the secret Councell, and Acts of the Generall Assembly, subscribed again by all Sorts of Persons in the Yeare 1590. by a new Ordinance of Councell at the Desire of the Generall Assembly, with a generall Band for Maintenance of the true Religion and the Kings Persn, and subscribed in the Year 1638. by us, Noblemen, Barons, Gentlemen, Burgeses, Ministers and Commons then under subscribing; together with our Resolution and Promises, for the Causes after specified, to maintaine the said true Religion, and the Kings Majestie, according to the Confession foresaid, and Acts of Parliament. And now, upon the Supplication of the Generall Assembly, to his Majesties High Commissioner, and the Lords of his Majesties Honourable Privy Councell, subscribed again in the Year 1639. by Ordinance of Councell, and Act of the Generall Assembly.

WE all, and every one of us underwritten, protest, that, after long and due Examination of our owne Consciences,

ences, in Matters of true and false Religion, wee are now
thoroughly resolved of the Trueth, by the Word and Spirit
of God; and therefore wee believe with our Hearts, con-
fesse with our Mouths, subscribe with our Hands, and
constantly affirme before God and the whole World, that
this onely is the true Christian Faith and Religion plea-
sing God, and bringing Salvation to Man, which now
is, by the Mercie of God, revealed to the World by
the Preaching of the blessed Evangel, and received, be-
lieved, and defended by many and sundry notable Kirks and
Realmes, but chiefly by the *Kirke of Scotland, the Kings
Majestie, and the three Estates of this Realme*, as Gods eternall
Trueth, and onely Ground of our Salvation, as more parti-
cularly is expressed in the Confession of our Faith, stablished
and publickly confirmed by sundry Acts of Parliaments, and
now of a long Time hath beene openly professed by the
Kings Majestie, and whole Body of this Realme both in
Burgh and Land. To the which Confession and Forme of
Religion wee willingly agree in our Consciences in all Points,
as unto Gods undoubted Trueth and Veritie, grounded one-
ly upon his written Word. And therefore wee abhorre
and detest all contrarie Religion and Doctrine; but chiefly
all Kind of Papietrie in general and particular Heads, even
as they are now damned and confuted by the *Word of God and
Kirk of Scotland*: But in special we detest and refuse the
usurped Authoritie of that *Roman Antichrist* upon the Scrip-
tures of God, upon the Kirk, the civill Magistrate, and Con-
sciences of Men; all his tyrannous Lawes made upon indiffe-
rent Things against our Christian Libertie; his erroneous
Doctrine against the Sufficiencie of the written Word, the
Perfection of the Law, the Office of Christ and his blessed
Evangel; his corrupted Doctrine concerning originall Sinne,
our naturall Inabilitie and Rebellion to Gods Law, our Justi-
fication by Faith only, our imperfect Sanctification and O-
bedience to the Law, the Nature, Number and Use of the
Holy Sacraments; his five bastard Sacraments, with all his
Rites, Ceremonies, and false Doctrine added to the Minis-
tration of the true Sacraments, without the Word of God; his
cruell Judgment against Infants departing without the Sacra-
ment; his absolute Necessitie of Baptisme; his blasphemous
Opinion of Transubstantiation, or reall Presence of Christs
Body

Body in the Elements, and receiving of the same by the Wicked, or Bodies of Men; his Dispensations with solemne Oaths, Perjuries, and Degrees of Marriage forbidden in the Word; his Crueltie against the Innocent divorced; his diuellish Masse; his blasphemous Priesthood; his profane Sacrifice for the Sins of the Dead and the Quicke; his Canonization of Men, calling upon Angels or Saints departed, worshipping of Imagerie, Relicts and Crosses, dedicating of Kirks; Altars, Dayes, Vowes to Creatures; his Purgatorie, Prayers for the Dead, praying or speaking in a strange Language, with his Processions, blasphemous Letanie, and Multitude of Advocates or Mediators; his manifold Orders, Auricular Confession; his desperate and uncertain Repentance; his generall and doubtfull Faith; his Satisfactiones of Men for their Sinnes; his Justification by Works, *opus operatum*, Works of Supererogation, Merits, Pardons, Peregrinations and Stations; his Holy Water, baptizing of Bells, conjuring of Spirits, crossing, saning, anointing, conjuring, hallowing of Gods good Creatures, with the superstitious Opinion joyned therewith; his worldly Monarchie and wicked Hierarchie; his three solemne Vowes, with all his Shavelings of sundry Sorts; his erroneous and bloudie Decrees made at *Trent*, with all the Subscribers and Approvers of that cruell and bloudie Band, conjured against the Kirk of God: And, finally, we detest all his vain Allegories, Rites, Signes and Traditions brought in the Kirk, without or against the Word of God, and Doctrine of this true reformed Kirk: To the which wee joyne ourselves willingly in Doctrine, Faith, Religion, Discipline, and Use of the Holy Sacraments, as lively Members of the same in Christ our Head, promising and swearing, by the *Great Name of the Lord our God*, that wee shall continue in the Obedience of the Doctrine and Discipline of this Kirk, and shall defend the same, according to our Vocation and Power, all the Dayes of our Lives, under the Paines contained in the Law, and Danger both of Body and Soule in the Day of Gods fearefull Judgment: And seeing that many are stirred up by *Sathan*, and that *Roman Antichrist*, to promise, sweare, subscribe, and for a Time use the Holy Sacraments in the Kirk deceitfully, against their own Consciences, minding thereby, first, under the externall Cloak of Religion, to corrupt and subvert secretly Gods true

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Religion within the Kirk, and afterward, when Time may serve, to become open Enemies and Persecutors of the same, under vain Hope of the Pope's Dispensation devised against the Word of God, to his greater Confusion, and their double Condemnation in the Day of the Lord Jesus: We therefore, willing to take away all Suspicion of Hypocrisie, and of such double Dealing with God and his Kirk, protest, and call *the Searcher of all Hearts* for Witnesse, that our Mindes and Hearts doe fully agree with this our *Confession, Promise, Oath and Subscription*, so that we are not moved for any worldly Respect, but are perswaded only in our Consciences, through the Knowledge and Love of Gods true Religion, printed in our Hearts by the Holy Spirit, as wee shall answere to him in the Day when the Secrets of all Hearts shall be disclosed: And because wee perceive that the Quietnes and Stabilitie of our Religion and Kirk doth depend upon the Safetie and good Behaviour of the Kings Majestie, as upon a comfortable Instrument of Gods Mercy granted to this Countrey, for the maintaining of his Kirk, and Ministration of Justice amongst us, we protest and promise with our Hearts, under the same Oath, Hand-Writ and Paines, that wee shall defend his Person and Authoritie, with our Goods, Bodies and Lives, in the Defence of Christ his Evangel, Liberties of our Countrey, Ministration of Justice, and Punishment of Iniquitie against all Enemies within this Realme, or without, as wee desire our God to bee a strong and merciful Defender to us in the Day of our Death, and comming of our Lord Jesus Christ: To whom, with the Father and the Holy Spirit, be all Honour and Glory eternally.

LIKEAS many Acts of Parliament, not only in generall do abrogat, annull and rescind all Laws, Statutes, Acts, Constitutions, Canons civill or municipall, with all other Ordinances and practique Penalties whatsoever, made in Prejudice of the true Religion and Professours thereof, or of the true Kirk-Discipline, Jurisdiction and Freedome thereof, or in favours of Idolatrie and Superstition, or of the Papistcall Kirk; as *Act 3. Act 31. Parl. 1. Act 23. Parl. 11. Act 114. Parl. 12.* of King James VI. that Papistrie and Superstition may be utterly suppressed according to the Intention of the Acts of Parliament repeated in the 5th *Act, Parl. 20.* King James VI. and to that End they ordaine all Papists

62 *Laws warranting the renewing thereof*

pists and Priests to be punished by manifolde civill and Ecclesiasticall Paines, as Adversaries to Gods true Religion preached, and by Law established within this Realme, *Act 24. Parl. 11. King James VI.* as common Enemies to all Christian Government, *Act 18. Parl. 16. King James VI.* as Rebellers and Gainstanders of our Sovereigne Lords Authority, *Act 47. Parl. 3. King James VI.* and as Idolaters, *Act 104. Parl. 7. King James VI.* But also in particular (by and attour the Confession of Faith) do abolish and condemne the Popes Authority and Jurisdiction out of this Land, and ordain the Maintainers thereof to be punished, *Act 2. Parl. 1. Act 51. Parl. 3. Act 106. Parl. 7. Act 114. Parl. 12. King James VI.* do condemn the Popes erroneous Doctrine, or any other erroneous Doctrine repugnant to any of the Articles of the true and Christian Religion publicly preached, and by Law established in this Realme: And ordaine the Spreaders and Makers of Books or Libels, or Letters or Writs of that Nature, to be punished, *Act 46. Parl. 3. Act 106. Parl. 7. Act 24. Parl. 11. King James VI.* do condemn all Baptism conform to the Popes Kirk and the Idolatry of the Masse, and ordain all Sayers, wilful Hearers and Concealers of the Masse, the Maintainers and Resettlers of the Priests, Jesuits, traffiquing Papists, to bee punished without any Exception or Restriction. *Act 5. Parl. 1. Act 120. Parl. 12. Act 164. Parl. 13. Act 193. Parl. 14. Act 1. Parl. 19. Act 5. Parl. 20. King James VI.* do condemn all erroneous Bookes and Writs, containing erroneous Doctrine against the Religion presently professed, or containing superstitious Rites and Ceremonies Papisticall, whereby the People are greatly abused, and ordain the Home-Bringers of them to be punished. *Act 25. Parl. 11. King James VI.* do condemn the Monuments and Dregs of bygone Idolatry, as going to the Croffes, observing the Festivall Dayes of Saints, and such other superstitious and Papisticall Rites, to the Dishonour of God, Contempt of true Religion, and fostering of great Errour among the People; and ordain the Users of them to be punished for the second Fault as Idolaters, *Act 104. Parl. 7. King James VI.*

Likeas many Acts of Parliament are conceived for Maintenance of Gods true and Christian Religion, and the Purity thereof

thereof in Doctrine and Sacraments of the true Church of God, the Liberty and Freedome thereof, in her Nationall and Synodall Assemblies, Presbyteries, Sessions, Policie, Discipline and Jurisdiction thereof, as that Purity of Religion and Liberty of the Church was used, professed, exercised, preached and confessed according to the Reformation of Religion in this Realme, as for Instance, the 99 *Act*, *Parl.* 7. *Act* 23. *Parl.* 11. *Act* 114. *Parl.* 12. *Act* 160. *Parl.* 13. of *King James VI.* ratified by 4 *Act* of *King Charles.* So that the 6 *Act*, *Parl.* 1. and 68 *Act*, *Parl.* 6. of *King James VI.* in the Yeare of God 1579. declare the Ministers of the blessed Evangel, whom *God* of his Mercie had raised up, or hereafter should raise, agreeing with them that then lived in Doctrine and Administration of the Sacraments, and the People that professed Christ as hee was then offered in the Evangel, and doth communicate with the holy Sacraments, (as in the reformed Kirks of this Realme they were publicly administrate) according to the Confession of Faith, to bee the true and holy Kirk of Christ Jesus within this Realme. and discern and declare all and sundry, who either gainsay the Word of the Evangel, received and approved, as the Heads of the Confession of Faith professed in Parliament, in the Yeare of God 1560. specified also in the first Parliament of *King James VI.* and ratified in this present Parliament, more particularly doe specifye, or that refuses the Administration of the holy Sacraments as they were then ministrated, to be no Members of the said Kirk within this Realme. and true Religion presently professed, so long as they keep themselves so divided from the Societie of Christ's Body: And the subsequent *Act* 69. *Parl.* 6. of *King James VI.* declares, that there is none other Face of Kirk, nor other Face of Religion, than was presently at that Time by the Favour of God established within this Realme, which is therefore ever stilled. *Gods true Religion, Christs true Religion, the true and Christian Religion, and a perfect Religion,* which, by manifold Acts of Parliament, all within this Realme are bound to professe, to subscribe the Articles thereof, the Confession of Faith, to recant all Doctrine and Errours repugnant to any of the said Articles, *Acts* 4 and 9. *Parl.* 1. *Acts* 45. 46. 47. *Parl.* 3. *Act* 71. *Parl.* 6. *Act* 106. *Parl.* 7. *Act* 24. *Parl.*

64 *Laws warranting the renewing thereof.*

11. *Act* 123. *Parl.* 12. *Acts* 194 and 197. *Parl.* 14. of King James VI. And all Magistrates, Sheriffs, &c. on the one Part, are ordained to search, apprehend, and punish all Contraveeners. For Instance, *Act* 5. *Parl.* 1. *Act* 104. *Parl.* 7. *Act* 25. *Parl.* 11. K. James VI. and that notwithstanding of the Kings Majesties Licences on the contrary, which are discharged and declared to be of no Force, in so far as they tend in any wayes to the Prejudice and Hinder of the Execution of the Acts of Parliament against Papists and Adversaries of true Religion, *Act* 106. *Parl.* 7. K. James VI. On the other Part, in the 47 *Act*, *Parl.* 3. K. James VI. it is declared and ordained, seeing the Cause of Gods true Religion, and his Highnes Authority, are so joyned, as the Hurt of the one is common to both, and that none shall be reputed as loyall and faithfull Subjects to our Sovereign Lord, or his Authority, but be punishable as Rebels and Gainstanders of the same, who shall not give their Confession, and make their Profession of the said true Religion; and that they who after Defection shall give the Confession of their Faith of new, they shall promise to continue therein in Time coming, to maintaine our Sovereigne Lords Authority, and at the uttermost of their Power to fortify, assist and maintain the true Preachers and Professours of Christs Evangel, against whatsoever Enemies and Gainstanders of the same: And, *namely*, against all such (of whatsoever Nation, Estate or Degree they be of) that have joyned and bound themselves, or have assisted, or assist to set foreward and execute the cruell Decrees of the Councell of *Trent*, contrary to the true Preachers and Professours of the Word of God, which is repeated Word by Word in the Articles of Pacification at *Perth*, the 23^d of *February* 1572. approved by Parliament the last of *April* 1573. ratified in Parliament 1587. and related *Act* 123. *Parl.* 12. of K. James VI. with this Addition, that they are bound to resist all treasonable Uproares and Hostilities raised against the true Religion, the Kings Majesty, and the true Professors. Likeas all Leiges are bound to maintain the K. Majesties Royall Person and Authority, the Authority of Parliaments, without the which neither any Lawes or lawfull Judicatories can be established, *Acts* 130 and 131. *Parl.* 8. K. James VI. and the Subjects Liberties, who ought only

to live and be governed by the Kings Lawes, the common Lawes of this Realm allanerly, *Act 48. Parl. 3. K. James I. Act 79. Parl. 6. K. James IV. repeated in the Act 113. Parl. 8. K. James VI.* Which, if they be innovated or prejudged, the Commission anent the Union of the two Kingdomes of Scotland and England, which is the sole *Act of the 17th Parl. of K. James VI.* declares such Confusion would ensue, as this Realm could be no more a free Monarchie, because, by the fundamentall Lawes, ancient Privileges, Offices and Liberties of this Kingdom, not onely the Princely Authority of his Majesties Royal Descent hath beene these many Ages maintained, but also the Peoples Security of their Lands, Livings, Rights, Offices, Liberties and Dignities preserved. And therefore, for the Preservation of the said true Religion, Lawes and Liberties of this Kingdom, it is statute by *Act 8. Parl. 1. repeated in the 99th Act, Parl. 7. ratified in the 23d Act, Parl. 11. and Act 114. Parl. 12. of K. James VI. and Act 4. of K. Charles,* that all Kings and Princes, at their Coronation and Reception of their Princely Authority, shall make their faithfull Promise, by their solemne Oath in the Presence of the eternal God, that, enduring the whole Time of their Lives, they shall serve the same eternal God to the uttermost of their Power, according as he hath required in his most holy Word, contained in the Old and New Testament: And, according to the same Word, shall maintain the true Religion of Christ Jesus, the Preaching of his holy Word, the due and right Administration of the Sacraments now received and preached within this Realme (according to the Confession of Faith immediately preceeding) and shall abolish and gainstand all false Religion contrary to the same, and shall rule the People committed to their Charge, according to the Will and Command of God revealed in his foresaid Word, and according to the Lawes and Constitutions received in this Realme, nowayes repugnant to the said Will of the eternal God, and shall procure, to the uttermost of their Power, to the Kirk of God, and whole Christian People, true and perfect Peace in all Time comming: And that they shall be careful to root out of their Empire all Hereticks and Enemies to the true Worship of God, who shall be convicted by the true Kirk of God of the foresaid Crimes; which

was also observed by his Majestie, at his Coronation at *Edinburgh* 1633. as may be seen in the Order of the Coronation.

In Obedience to the Commandement of God, conform to the Practice of the Godly in former Times, and according to the laudable Example of our worthy and religious Progenitors, and of many yet living amongst us, which was warranted also by Act of Councell, commanding a generall Band to be made and subscribed by his Majesties Subjects of all Ranks, for two Causes: One was for defending the true Religion, as it was then reformed, and is expressed in the Confession of Faith above written, and a former large Confession established by sundry Acts of lawful Generall Assemblies and of Parliament, unto which it hath Relation. set down in publick Catechismes, and which had beene for many Yeares, with a Blessing from Heaven, preached and professed in this Kirk and Kingdom as Gods undoubted Truth grounded onely upon his written Word. The other Cause was for maintaining the Kings Majestie his Person and Estate, the true Worship of God and the Kings Authority being so straitly joined, as that they had the same Friends and common Enemies, and did stand and fall together. And finally being convinced in our Minds, and confessing with our Mouths that the present and succeeding Generations in this Land are bound to keep the foresaid Nationall Oath and Subscription inviolable, we Noblemen, Barons, Gentlemen, Burgesses, Ministers and Commons underscribing, considering divers Times before, and especially at this Time, the Danger of the true reformed Religion, of the Kings Honour, and of the publick Peace of the Kingdome, by the manifold Innovations and Evils generally contained and particularly mentioned in our late Supplications, Complaints and Protestations, doe hereby professe. and before God, his Angels, and the World, solemnly declare. That, with our whole Hearts wee agree and resolve, all the Dayes of our Life, constantly to adhere unto and to defend the foresaid true Religion, and (forbearing the Practise of all Novations already introduced in the Matters of the Worship of God, or Approbation of the Corruptions of the publick Government of the Kirk, or civill Places and Power of Kirkmen, till they be tryed and

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allowed in free Assemblies and in Parliaments) to labour by all Meanes lawfull to recover the Purity and Liberty of the Gospel, as it was established and professed before the foresaid Novations: And because, after due Examination, wee plainly perceive and undoubtedly beleieve, that the Innovations and Evills contained in our Supplications, Complaints and Protestations, have no Warrant of the Word of God, are contrary to the Articles of the foresaid Confessions, to the Intention and Meaning of the blessed Reformers of Religion in this Land, to the above written Acts of Parliament, and doe sensibly tend to the re-establishing of the Popish Religion and Tyranny, and to the Subversion and Ruine of the true Reformed Religion, and of our Liberties, Lawes and Estates, we also declare, That the foresaid Confessions are to be interpreted, and ought to be understood of the foresaid Novations and Evills, no lesse than if every one of them had been expressed in the foresaid Confessions, and that wee are obliged to detest and abhorre them amongst other particular Heads of Papistry abjured therein. And therefore, from the Knowledge and Consciences of our Duty to God, to our King and Countrey, without any worldly Respect or Inducement, so farre as humane Infirmitie will suffer, wishing a further Measure of the Grace of God for this Effect, we promise and sweare, by the *Great Name of the Lord our God*, to continue in the Profession and Obedience of the foresaid Religion, that wee shall defend the same, and resist all these contrary Errours and Corruptions according to our Vocation, and to the uttermost of that Power that God hath put in our Hands, all the Dayes of our Life. And in like Manner, with the same Heart, wee declare, before God and Men, that wee have no Intention nor Desire to attempt any Thing that may turn to the Dishonour of God, or to the Diminution of the Kings Greatnesse and Authority: But, on the contrary, wee promise and sweare, That wee shall, to the uttermost of our Power, with our Meanes and Lives, stand to the Defence of our dread Sovereigne the Kings Majestie his Person and Authority, in the Defence and Preservation of the foresaid true Religion, Liberties and Lawes of the Kingdome: As also to the mutuall Defence and Assistance every one of us of another, in the same Cause

68 *The Covenant as renewed anno 1638.*

Cause of maintaining the true Religion and his Majesties Authority, with our best Counsell, our Bodies, Meanes, and whole Power, against all Sorts of Persons whatsoever; so that whatsoever shall be done to the least of us for that Cause, shall be taken as done to us all in generall, and to every one of us in particular. And that we shall neither directly nor indirectly suffer ourselves to be divided or withdrawn by whatsoever Suggestion, Allurement, or Terrour, from this blessed and loyall Conjunction, nor shall cast in any Let or Impediment that may stay or hinder any such Resolution as by common Consent shall be found to conduce for so good Ends; but, on the contrary, shall by all lawfull Meanes labour to further and promote the same. And, if any such dangerous and divisive Motion be made to us by Word or Writ, we, and every one of us, shall either suppress it, or, if need bee, shall incontinent make the same known, that it be timously obviated. Neither doe wee fear the foul Aspersions of Rebellion, Combination, or what else our Adversaries from their Craft and Malice would put upon us, seeing what wee doe is so well warranted, and ariseth from an unfained Desire to maintain the true Worship of God, the Majesty of our King, and Peace of the Kingdom, for the common Happinesse of ourselves and the Posterity. And because wee cannot look for a Blessing from God upon our Proceedings, except with our Profession and Subscription wee joyne such a Life and Conversation as becometh Christians who have renewed their Covenant with God, wee therefore faithfully promise, for ourselves, our Followers, and all others under us, both in publike, in our particular Families and personall Carriage, to endeavour to keepe ourselves within the Bounds of Christian Libertie, and to be good Examples to others of all Godlinesse, Sobernesse, and Righteousnesse, and of every Duty wee owe to God and Man. And, that this our Union and Conjunction may be observed without Violation, wee call the Living God, the Searcher of our Hearts, to witnesse, who knoweth this to be our sincere Desire and unfained Resolution, as wee shall answer to Jesus Christ in the great Day, and under the Pain of Gods everlasting Wrath, and of Infamie and Losse of all Honour and Respect in this World; most humbly beseeching the
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The Church's intrinsick Power ratified. 69

Lord to strengthen us by his Holy Spirit for this End, and to blesse our Desires and Proceedings with a happy Successe, that Religion and Righteousnesse may flourish in the Land, to the Glory of God, the Honour of our King, and Peace and Comfort of us all. In witnesse whereof, wee have subscribed with our Hands all the Premisses.

The Article of this Covenant, which was at the first Subscription referred to the Determination of the Generall Assembly, being determined, and thereby the five Articles of Perth, the Government of the Kirk by Bishops, the civill Places and Power of Kirkmen, upon the Reasons and Grounds contained in the Acts of the Generall Assembly, declared to be unlawfull within this Kirk, wee subscribe according to the Determination foresaid.

*ACT VI. ACT Rescissorie *.*

THE Estates of Parliament, presently convened by his Majesties special Authority, considering that the Office of Bishops and Archbishops, and all other Prelates, the civil Places and Power of Kirkmen, as their voycing and ryding in Parliament, are condemned by the Assemblies of this Kirk; and considering the severall Acts and Complaints of this Kirk unto Parliaments, from Time to Time, against any Persons, especially of Prelates, their attempting to vote or doe any Thing in Name of the Kirk, without either bearing Office in the Kirk, or having Commission from the Kirk, with her frequent Supplications to the Parliament for dissolving all Prelacies; considering also the Petition of the Commissioners of the late Generall Assembly, humbly craving the Rescission of all Acts of Parliament which grants to the Kirk or Kirkmen, of whatsoever Sort, allowed or disallowed, as representing her, or in her Name, the Priviledge of ryding and voting in Parliament, as prejudicial to her Liberties, and incompatible with her spiritual Nature, declares, That the sole and onely Power and Jurisdiction within this Kirk stands in the Kirk of God as it is now reformed, and in the General, Provincial, Presbyterial Assemblies, with the Sessions of the Kirk, established by Act of Parliament in

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* This Title is significative of but a small Part of the Body of the Act.

June 1592. cap. 1140. which Act the saids Estates, now convened by his Majesties speciall Indiction, Warrant and Authority, revives and renewes in the whole Heads, Points, and Articles thereof, (with this expresse Declaration, that, according to the last Clause in the Act of the late Generall Assembly of the 17th of *August*, the Necessitie of occasional Assemblies be first remonstrate to his Majestie by humble Supplication) to stand in full Strength as a perpetuall Law in all Time comming, notwithstanding of whatsoever Acts and Statutes made in the contrair thereof, in whole or in Part, which the Estates convened, as said is, casses and annuls in all Time comming, and declares, That it is and shall be lawfull to the Presbyteries of this Kirk to exact and receive from Subjects of all Qualities their Oath of the Confession of Faith and Covenant, with the Subscription thereof, to examine Pedagogues of the Sons of Noblemen passing out of the Countrey, to give them Testimonials according to former Acts of Parliament. to give and direct Admonitions, private or publick, to Persons joyned in Marriage for Adherence, to designe Manse and Gleibs to Ministers, to appoint Stent-Masters for Reparation of Kirks and Kirk-Yeards, and for Maintenance of the Masters of Schooles, and to stent the Parochioners conform to the Act of Parliament, to admit Ministers upon the Presentations from the lawful Patrons, or *jure devoluto*, which shall happen hereafter, or unto Kirks which fall not under Patronages, suchlike and as freely as they did or might have done off before. And to doe all and whatsoever Things which before pertained to Presbyteries, and were usurped by the Prelates, and that notwithstanding of whatsoever Acts or Statutes made in the contrair in favours of Bishops, Archbishops, or other Prelates, which the Estates, authorized in Manner foresaid, casses and annuls. And specially the Estates foresaids casses and annuls the 23d Act 1597. anent the Kirk, and speciall Persons and Prelates voycing in Parliament, and representing the third Estate; the 2d Act 1606. anent the Restitution of the State of Bishops, and their representing the third Estate; the 8th Act 1607. anent the Chapter of *St. Andrewes*; the 6th Act 1609. anent the Commissariats and Jurisdiction given to Bishops and Archbishops; the first Act 1612. a-

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anent the Ratification of the Acts of the pretended Assembly of *Glasgow* 1610. the first and second Acts 1617. anent the Election of Bishops and Restitution of Chapters, without Prejudice alwaies to the Ministers serving the Cure, of Emoluments allowed to them in Part of their Stipend; the first Act 1621. anent the Ratification of the Articles of the pretended Assembly holden at *Perth*. And finally, the Estates foresaid, conveyned by Authority, rescindes and annuls all and whatsoever Acts of Parliament, Lawes and Constitutions, in so far as they derogate and are prejudiciall to the spirituall Nature, Jurisdiction, Discipline, and Priviledges of this Kirk, or of her Generall, Provinciaall, Presbyteriall Assemblies and Kirk-Sessions, and so far as they are conceived in favours of Archbishops, Bishops, Abbots, Priors, and other Prelates or Kirkmen whatsoever, their Dignity, Title, Power, Jurisdiction and Estate in this Kirk and Kingdom, or in favours of the civill Places and Power of Kirkmen, of whatsoever Sort, allowed or disallowed, for their riding, sitting, and voycing in Parliament, either as Kirkmen, or the Clergy, or in Name of the Kirk, or as representing the Kirk, either in regard of their Ecclesiastick Titles, Offices, Places, and Dignities, or in regard of the Temporality or Spirituality of their Ecclesiastick Benefices, or other Pretext whatsoever, with all Acts and Constitutions of Convention, Councell, or Session, or other Judicatory whatsoever, and all Practises and Customes whatsoever, introduced in favours of the saids Offices, Titles, Benefices, or Persons provided thereto: And declares all Persons, civill or ecclesiasticall, censured, deprived, confined, or banished, by Vertue of whatsoever Acts, Decreets, or Sentences, given and pronounced by the saids Archbishops and Bishops, or others their Colleagues and Associats in their Ecclesiasticall Courts holden by Vertue of the Acts foresaids, or any of them, or by Vertue of the pretended High Commission, and all Acts interponed thereto against the Persons foresaids, for not Obedience of the foresaids Acts, or any of them, which are now repealed, as said is, or for not acknowledging their saids Courts, or for their pretended Contumacy, and not Compearance to answer before them, to be null and of none Avail, Force, nor Effect, and the foresaids Persons to be restored

stored and reponed against the same, suchlike as if the same had never been given nor pronounced.

Act VIII. Anent Admission of Ministers to Kirks which belonged to Bishopricks.

THE Estates of Parliament, presently convened by his Majesties special Authority, considering that the Right of Patronage and Power of presenting of Ministers to divers Kirks within this Realme, have been acclaimed and possessed by the sometime pretended Bishops and Archbishops within this Kingdome. by vertue of the 2d Act of Parliament 1606. anent the Restitution of the Estate of Bishops, or by some other Right, or Pretence of Right, to the very great Grief and Prejudice of this Kirk, her just Liberty and Possession since the Reformation, by Superintendents, and the Commissioners of the Kirk before the Erection of Presbyteries; and since by Presbyteries themselves, who have been *respective* in Possession for providing and planting of all Kirks within this Kingdome, belonging to the Bishopricks, and that even since their Annexation 1587. upon the Sute and Calling of the Congregations and Paroches, where the Ministers were to serve in the Function of the Ministerie, which is most evident by the 7th Act of the 1st Parliament of our dearest Father, in the Yeare 1567. and by the Assignation to Ministers of Stipends out of the Thirds of Benefices, and Letters of Horning constantly used to bee direct by Deliverance of the Lords of Session upon the Provisions and Admissions of Ministers to the saids Stipends of the Thirds of Benefices, by Superintendents, Commissioners of the Kirk, and Presbyteries *respective*, without any Presentation at all, both before and since the Act of Annexation 1587. whereby the Ministers so provided and admitted did brook and enjoy the Fruits and Rents assigned, and their Stipends, during their Lifetime, and many of them yet living doe still brook and enjoy the same. And suchlike, the foresaid Privilege and the Right of the Kirk is evident by divers Acts of her Generall Assemblies made thereanent, and by her frequent Grievances against the Usurpation of Prelats and others, upon her said Right and Possession, and especially by her Protestation against the foresaid two Acts of Parliament of King *James* the VI. his Majesties un-

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Planting the Church allowed to Presbyteries. 73

while dearest Father, holden in the Yeare 1606. whereby the Prelates pretended Right of Patronages and Advocations of Kirks had defrauded the Kirk thereof. And now seeing the said Act of that Parliament in the Yeare 1606. is rescinded, cassed and annulled in this present Parliament, and it is most reasonable that the Kirk be restored, now after the Abolition of the Estate of Bishops, to the wonted Rights, Privileges and Liberties which he had, and was in Possession of before the Restitution of Bishops, therefore the saids Estates of Parliament, convened as said is, decernes, statutes, and ordaines, That, according to the said 7th Act of the first Parliament of the Kings Majesties umwhile dearest Father, the full Power of providing of all Ministers to Kirks, which the saids pretended Bishops have been in Use to provide since the said Act of their Restitution 1606. shall hereafter belong and appertaine to the Kirk: And that, in all Time coming, Presbyteries, (who are now in place of Superintendents and Commissioners of the Kirk) within their severall Jurisdictions, shall provide and admit Ministers to all these vacant Kirks, which before were acclaimed by the foresaids Bishops by the said Act of Restitution 1606. to the Fruits and Stipends thereof, but Prejudice alwayes to any Patronages of Kirks, which belong either to the Kings Majesty, or to any Laick Patron, or to any Nobleman, Baron, or Burgesse Right and Possession before these late Troubles *, and but Prejudice of the Interest of the Paroches, according to the Acts and Practise of the Kirk since the Reformation: And declares, That the said Provision and Admission, with Collation and Institution following thereupon, shall be a sufficient Right and Title for the Intraunt to possesse and enjoy the whole Fruits, Rents and Stipends whatsoever belonging to the Kirk, and to the Ministers serving the Cure thereat. And ordaines the Lords of Session, and all other Judges competent, to give out Decrees and Sentences, Letters conforme, Horning and Inhibition, and all other Executorialls, upon the said Provision and Admission of Ministers by Presbyteries, Collation and Institution following thereupon, suchlike as they are in use to doe upon Collation and Institution following upon Presentations from lawfull Patrons.

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* Patronages are afterwards wholly repealed.

74 *Laws against profaning the Sabbath.*

Act IX. Discharging the going of Salt-Pans and Mylnes upon the Sabbath-Day.

FOrsameikle as the Estates of Parliament, presently convened by his Majesties speciall Authority, considering that Gods publick Worship upon the *Sabbath-Day* is hindered, and the *Sabbath-Day* prophaned by the going of Mylnes and Salt Pans upon the *Sunday*; for Remeed hereof, the Estates of Parliament, presently convened by his Majesties speciall Authority, discharges and prohibites all Salt-Pans and Mylnes within this Kingdom, from all going, grinding, making of Salt, or anywayes working upon the *Sunday* in any Time hereafter: And ordaines the Salters, Millers, and other Servants in the saids Mylnes and Salt-Pans, to attend Gods publick Worship every *Sunday* hereafter, under the Paines and Censures contained in the Acts of the Assembly, or other Kirk-Acts set down hereanent. To the which Acts the saids Estates of Parliament interpones the civil Sanction and Authority of Parliament for the better Execution thereof.

Act X. Discharging Salmond-Fishing on Sunday.

THE Estates of Parliament, presently convened by his Majesties speciall Authority, considering the great Abuse and Prophanation of the *Sabbath Day*, occasioned by the fishing of Salmond upon that Day, whereby many People are withholden from divine Exercise, and are employed in the ordinary Works of their Calling, or otherwayes have Opportunity to misspend their Time in unlawful Actions, contrary to the Law of God. and Acts of this reformed Kirk: Therefore, for Remeed thereof in all Time comming. inhibites and discharges all Manner of Salmond Fishing upon the *Sabbath-Day*, under the Paine to the Contraveeners to be punished as Breakers of the *Sabbath-Day*. by the Confiscation of the Nets and Fish to the Behoofe of the Poore.

Act XI. Against Papists.

THE Estates of Parliament, now presently convened by his Majesties speciall Authority, ratifies and approves all and whatsoever Acts and Statutes of Parliament.

Conven-

Against Papists and Resettlers of them. 75

Convention, or Secret Councell, made against Papists, against Sayers and Hearers of Masse, and against Jesuits, Seminary Priests, and against excommunicate Persons for Papistry, or for resetting of Jesuits and excommunicate Papists, and against the Resettlers of the foresaids Persons, or any of them, in the whole Heads and Articles thereof; and specially, but Prejudice of the Generality foresaid, ratifies and approves the Act of Parliament made by his Majesties Father of blessed Memory, *Parl. 13. Cap. 164.* and *Parl. 14. Cap. 193, 194.* and the Act made, *Parl. 20. Cap. 5.* in the whole Heads and Articles thereof: And declares, that witting and wilfull resetting of the Persons foresaids shall be understood to be committed by these, who (after lawful Intimation to be made at the Head-Burgh of the Shire where they dwell and make their Residence for the most Part, and at the Market Crosse of *Edinburgh*, of the Names of the Jesuits, Seminary Priests, and excommunicate Persons for the Causes foresaid) resets the Persons foresaids by the Space of three Nights together, or three Nights at several Times, (which is the Manner of Intimation prescribed by the said *13th Parl. Cap. 164.* and by the said *Parl. 20. Cap. 59.* and that the Persons Resettlers, in Manner foresaid, shall be lyable to the Paine and Punishment contained in the said Acts, without farther verifying of their Notice and Knowledge, except the Intimation foresaid. And also declares, that the saids Acts of Parliament, ratified as said is, shall comprehend not onely Men, but Women of all Quality, and that they and their Resettlers shall be lyable to the Paines therein contained. And suchlike the Estates ratifies and approves the Act of Parliament made by his Majesties Father, *Parl. 16. Cap. 17.* intituled, *Act anent Non-Communicants*, and ordaines every Person Non-Communicant to be lyable to the Paines therein contained. And wills and ordaines all Ministers within their Parochins, and all Presbyters within their Presbyteries to take Tryall and Cognition of the Premisses, and that as fully as the Bishops or Archbishops might have done by the foresaids Acts, or any of them; and abrogates the saids Acts in so far as any Power is thereby granted to the said Archbishops and Bishops anent the Premisses.

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Act XII. Discharging the Zule Vacance, and appointing the Session to sit downe the first of November, and rise the last of February, and thereafter to sit downe the first of June, and rise the last of July yearly.

THE Estates of Parliament, presently convened by his Majesties speciall Authoritie, understanding that the Kirke within this Kingdome is now purged of all superstitious Observation of Dayes; and herewith also considering that the keeping of the Zule Vacance hath not only Relation to that Superstition, and may serve to keep the same in Memory, but also that the keeping of the said Zule Vacance hath interrupted the Course of Justice in this Kingdome, to the Hinderance and heaveie Prejudice of the Lieges thereof: Therefore the saids Estates have discharged, and simply discharges the foresaid Zule Vacance, and all Observation thereof in Time comming, and rescindes and annulls all Acts, Statutes, Warrants and Ordinances whatsoever, granted at any Time heretofore for keeping of the said Zule Vacance, with all Custome of Observation thereof, and finds and declares the same to be extinct, voyde, and of no Force nor Effect in Time comming. And ordaines the Court and Session of the Colledge of Justice, and Senatours and Members thereof, to convene and sit for the Administration of Justice, without any Interruption by the foresaid Zule Vacance, from the first Day of *November* to the last Day of *February* thereafter *inclusive* yearly. And ordaines the saids Senatours and remanent Members of the Colledge of Justice, to rise the said last Day of *February*, and to convene and sit downe againe, for Administration of Justice to the Lieges, the first Day of *June* yearly, and to rise the last Day of *July* next thereafter *inclusive*. And also ordaines the whole remanent Judges of inferiour Courts within the Kingdome to proceed in the Administration of Justice within their severall Jurisdictions, without any Respect to the said Zule Vacance, and without any Interruption or Vacation by the said Zule Vacance, notwithstanding of any bygone Custome of Observation of the said Zule Vacance, seeing the same is now discharged in Manner foresaid.

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Act XIV. For taking Order with the Abuses committed on the Sunday by the Confluence of People for hyring of Shearers on Sunday.

Forsameikle as the Prophanation of the *Sunday* is greatly occasioned in the Time of Harvest, by the great Confluence of People to publick Places, as Ports, or Streets of Townes, and Paroch Kirkes of Landward, everie *Sunday*, from Morning to Preaching Time, for hyring Shearers the Week following, whereof there ariseth also sundry Tumults, Disorders, swearing, drinking, and often fighting on the *Sabbath-Day*; for Remeed hereof the Estates of Parliament, presently convened by his Majesties special Authority refers and remits the samine to be taken Order with, to the Justices of Peace and Kirk-Sessions where the Abuse shall be committed hereafter by the Confluence of the said People and hyring of the saids Shearers upon the *Sunday*, as said is, as the said Justices of Peace and Kirk-Sessions shall find the saids Abuses, then to be committed, to deserve.

Act XV. For directing Letters of Horning and Caption by the Lords of Session against the excommunicate Prelates, and all other excommunicate Persons.

THE Estates of Parliament, convened by his Majesties speciall Authoritie, considering the Necessitie of reviving and putting in Execution the 53d Act of the third Parliament of King *James VI.* anent Letters of Horning and Caption to follow upon Excommunication of the Kirk after fourtie Daies, renews and revives the said Act of Parliament, and ordaines the Lords of Session to grant Letters and other Executorials against the excommunicate Prelates, and all other excommunicate Persons.

Act XXVI. For suppressing the Distinction of spirituall and temporall Lords of Session.

THE Estates of Parliament, presently convened by his Majesties speciall Authority, casses, annulls, and rescindes that Article of the first Act of the fifth Parliament holden by King *James the V.* of worthy Memory, anent

78 Proclamations against the Reformers annulled.

ment the Institution of the College of Justice, bearing, That the Lords of Councell and Session shall be chosen halfe spirituall, halfe temporall, and decernes and ordaines the whole Number to be temporall, and none of them spirituall, and the foresaid Distinction of spirituall and temporall to be suppress and forgotten in all Time coming.

Act XXVIII. Annulling all unlawfull and unjust Proclamations made under the Paine of Treason against the Disobeyers.

FOrsomuch as the Estates of Parliament, presently convened by his Majesties speciall Authoritie, having taken to their Consideration, that there hath been diverse unjust and unlawful Proclamations made, commanding the Obedience of Things unjust and unlawfull, (tending to the Overthrow and Prejudice of the Lawes and Liberties of Kirke and Kingdome) under the Paine of Treason, as also declaring the Disobeyers of these unlawfull and unjust Proclamations to be Rebels and Traitours, which is against Law, Equity and Reason, no Triall nor Declaratour of Treason having proceeded against them of before, findes and declares all these Proclamations, with the pretended Acts and Warrands for making and proclaiming thereof, to be null and of none Availe, Force, nor Effect, with all that hath followed or may follow thereupon: And therefore the saids Estates of Parliament casses and annulls the foresaids pretended Proclamations, with all the said Acts and Warrands whereupon the same proceeded: And findes and declares, That no Person nor Persons can be declared Traitours, but either by the Parliament itselfe, and by Act and Sentence thereof, or then by the lawfull ordinar Judge, after Tryall: And finding, That the saids Persons hath contravened a Law and Act of Parliament made under the Paine of Treason against the Disobeyers and Contraveenars thereof.

Act XXIX. Explaining the preceding Acts of Parliament made against Bands and Conventions amongst the Subjects: as also declaring the Bands and Conventions, made and kept since the Beginning of the present Troubles, to be legall and lawfull.

FOrsomuch as the Estates of Parliament, presently convened by his Majesties speciall Authoritie, considering that,

The Green Tables and their Actings vindicated. 79

that, by the twelfth Act of the tenth Parliament of the Kings Majesties umwhile dearest Father, of eternall Memory, all Leagues and Bands amongst the Subjects are discharged; and, by the 131 Act of the eighth Parliament of the Kings umwhile dearest Father, all Councils, Conventions or Assemblies, without the Kings Command or Licence, are also discharged, under the Paines ordained by the Acts of Parliament against such as unlawfully convokes the Kings Lieges: And that also, by sundry other preceding Statutes and Acts of Parliament made by his Majesties most Noble Progenitors, the foresaid Leagues, Bands, Councils, Conventions and Meetings are likewise discharged. And herewith also the said Estates, taking to their Consideration what was the true End and Meaning for making of the foresaid Acts, and how farre the same in Equitie and Reason can be extended, findes and declares, That the foresaid Acts and Laws, particularly and generally before exprest, is not nor cannot bee extended against any Bands, Leagues, Councils, Conventions, Assemblies, Committees, or Meetings, made, holden, and kept by the Subjects for Maintenance and Preservation of the Kings Majestie, the Religion, Lawes, and Liberties of the Kingdome, or for the publick Good eyther of Kirk or State. But the said Estates findes and declares, That all these Bands, Conventions, Committees, and other Meetings made and kept by the Estates and Subjects of this Kingdome, for the publike Good of King, Kirke and State, and intended for the Defence and Preservation thereof since the Beginning of these present Troubles, are not prohibited nor discharged by the foresaid Lawes and Acts of Parliament, particularly and generally before rehearsed, nor none of them; and can noways be understood nor interpret to fall within the Compasse of the Discharge and Prohibition of the foresaid Acts, and doth noways contraveene the same, nor none of them. And therefore the saids Estates ratifies, approves and allowes all the saids Bands, Conventions, Committees and other Meetings, which are and have been made and kept within this Kingdome, for the Defence and Preservation of the King's Majestie, the Religion, Lawes, and Liberties of this Kirke and Kingdome since the Beginning of the present Troubles thereof; and declares the same to bee lawfull

80 *The Oath required of all Parliamenters.*

lawfull and legall Deeds, and that they doe nowayes contraveene the foresaids Acts of Parliament *respective* above mentioned, nor none of them, nor no other Law nor Constitution of this Kingdome.

Charles I. Parl. 2. Sess. 2. begun June 15. 1641.

Act V. Anent the Oath to be given by every Member of Parliament, August 18. 1641.

FORSOMUCH as the Honour, Greatnesse and Happinesse of the Kings Royall Majestie, and the Welfare of the Subjects, depend on the Puritie of Religion as it is now established in this Kingdome, the Laws, Liberties, and Peace thereof, which ought to be sought after by all good Christians, loyall Subjects and true Patriots, and to be furthered and maintained by them against all such as by any Meanes endeavour to shake or subvert the same: Therefore we Under-Subscribers, and every one of us, do, in the Presence of Almighty God, promise and vow, That, in this present Parliament, we shall faithfully and freely speak, answer and expresse ourselves upon all and every Thing which is or shall be proponed, so farre as we think in our Conscience may conduce to the Glorie of God, the Good and Peace of the Church and State of this Kingdome, and imploy our best Endeavours to promove the same: And shall in noways advise, voyce nor consent to any Thing, which, to our best Knowledge, we think not most expedient and conduceable thereto: As also that we shall maintaine and defend with our Life, Power and Estate, his Majesties Royall Person, Honour and Estate, as is exprest in our Nationall Covenant; and likewise the Power and Priviledges of Parliament, and the lawfull Rights and Liberties of the Subjects, and by all good Means and Wayes oppose and indeavour to bring to exact Tryall, all such as either by Force, Practise, Counsell, Plots, Conspiracies, or otherwayes, have done or shall do any Thing in Prejudice of the Puritie of Religion, the Laws, Liberties, and Peace of the Kingdome: And further, that we shall in all just and honourable Wayes endeavour to preserve Union and Peace betwixt the three Kingdomes of Scotland,

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Ratification of a Treaty with the King. 81

land, England and Ireland, and neither for Hope, Feare, nor other Respect, shall relinquish this Vow and Promise.

Read in Audience of the Kings Majesty and the Estates of Parliament, who approve the same, and appoint the said Oath to to be taken by all Members of this Parliament, and in all Parliaments hereafter, before they proceed to any Act or Determination.

Act VI. Anent the Ratification of the Articles of the Treatie superscribed by the King, and subscribed by the President of the Parliament, August 26. 1641.

OUR Sovereign Lord and Estates of Parliament ratifies and approves the Articles of the large Treaty concerning the establishing of the Peace betwixt the Kings Majesty and his People of Scotland, and betwixt the two Kingdomes of Scotland and England; and for his Majestie and his Successours perpetually confirms the same, ordaining the same, in all Time coming, to have the full Force and Strength of perfect Security, Lawes and Acts of Parliament: Likeas his Majesty, for himself and his Successours, promisseth, *in verbo principis*, never to come in the contrary thereof, for any Thing therein contained, but to hold the same firme and stable, and shall cause it to be truly observed by all his Majesties Lieges, according to the Tenour and Intent thereof, for now and ever.

Here followed the Treaty at large, what thereof respects the Purpose of this Collection is as follows.

The first Demand, That his Majesty would bee graciously pleased to command that the Acts of the late Parliament may bee published in his Highnesse Name as our Sovereign Lord, with Consent of the Estates of Parliament convened by his Majesties Authority.

Whereunto it is answered and agreed, That, for as much as the Kings Majesty, at the humble Desire of his Subjects, did call and convene a Parliament to be holden at Edinburgh the 2d of June 1640. wherein certain Acts were made and agreed upon, which Acts his Majesty, (for the Peace and Good of his Kingdome) is pleased to publish in his owne Name with Consent of the Estates; and therefore commands

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82 Ratification of a Treaty with the King.

That the said Acts, bearing Date the 11th Day of June 1640. be published with the Acts to be made in the next Session of the same Parliament: And that all the said Acts, aswell of the precedent as of the next Session to be holden, have in all Time comming the Strength of Lawes, and to be universally received and obeyed by all the Subjects of the Kingdome of Scotland.

His Majesty doth, in the Word of a King, promise the publishing of the said Acts in such Sort as is above specified.

The third Demand, That *Scottish* Men within his Majesties Dominions of *England* and *Ireland* may be freed from Censure for subscribing the Covenant, and be no more pressed with Oathes and Subscriptions unwarranted by their Lawes, and contrary to their Nationall Oath and Covenant approved by his Majesty.

It is thereto answered and agreed in his Majesties Name, upon December 8. 1640. That as his Majesty hath granted your first and second Demands, so do we, in his Majesties Name, answer to the third, That all these who in his Majesties Dominions of *England* or *Ireland* have been imprisoned, forfeited, or censured any other Way for subscribing of the Covenant, or for refusing to take any other Oath contrary to the same, shall be freed of these Censures, and shall be fully restored to their Liberties, Estates and Possessions. And, for Time comming, that the Subjects of *Scotland*, as Subjects of *Scotland*, shall not be constrained to any Oath contrary to the Lawes of that Kingdome, and the Religion there established: But such of the Kingdome of *Scotland* as shall transport themselves into the Kingdome of *England* or *Ireland*, and there be settled Inhabitants, either by Way of having Inheritance or Freehold, or by Way of settled Trades, (by which the Way of trading of the Factors of Merchants, nor of Merchants themselves, is not to be understood) shall be subject to the Lawes of *England* or *Ireland*, and to the Oathes established by the Lawes and Acts of Parliament in the said Kingdomes respectively wherein they live and have their ordinary and constant Residence, and not otherways. And the *English* and *Irish* shall have the like Priviledge in *Scotland*.

8 Decembris 1640.

To their Desire concerning Unity in Religion, and Uniformity of Church-Government, as a speciall Meanes for

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conserving of Peace betwixt the two Kingdomes, upon the Grounds and Reasons contained in the Paper of the 10th of *March*, given into the Treaty and Parliament of *England* *

It is answered, upon the 15th of *June*. That his Majesty, with the Advice of both Houses of Parliament, doth approve of the Affection of his Subjects of *Scotland*, in their Desire of having Conformity of Church-Government betweene the two Nations; and as the Parliament hath already taken into Consideration the Reformation of Church-Government, so they wil proceed therein in due Time, as shal best conduce to the Glory of God, the Peace of the Church, and of both Kingdoms. 11th of *June* 1641.

Act XII. For abolishing of Monuments of Idolatrie. 10th September 1641.

OUR Sovereigne Lord, with Consent of the Estates of Parliament, understanding that the Generall Assembly of the Kirk hath, by their speciall Act made 30th *July* 1640. *Sess.* 3. ordained all idolatrous Images, Crucifixes, Pictures of Christ, and all other idolatrous Pictures, to be demolished and removed forth and from all Kirks, Colledges, Chappels, and other publick Places: Therefore ordaines all Presbyteries to take diligent Tryall of all idolatrous Pictures and Images being within Kirkes, Colledges, Chappels, and other publick Places, and after Tryal intimate the same, first to the Owners and Parties themselves, that they may remove the same; and in case they doe neither appeal presently from the Presbyterie in the ordinarie Way to the Synod and Generall Assembly, nor remove them within the Space of three Moneths, then to intimate the same to all Sheriffs, Stewards, Bayliffs, Magistrates of Burghs or Regalities, within the which the same shall be found; and ordaines them, upon the Requisition to be made to them by the saids Presbyteries, Moderator, or Brethren thereof, to raze, demolish, abolish, cast down or deface all these idolatrous Images, Pictures, and other idolatrous Monuments foresaids, according as they shall be enjoined and directed

* This is the second Particular of the eighth Demand.

84 Concerning Non-Communicants, &c.

directed from the saids Presbyteries from Time to Time. Lik one of them within their own Bounds and Jurisdiction *respectively*, except in the Case of Appellation aforesaid: And if the Presbyteries be negligent, that they be censured by the Synods and Generall Assemblies, and the Sheriffs and other Officers aforesaid, (In case of their Negligence) to be censured by the secret Councell, as they shal think reasonable: And prohibites and discharges all making of any such Images or Idols, and all up-putting of the same in all Time comming, under all highest Paines to be inflicted upon the Contraveeners thereof.

Act XIII. Anent Non-Communicants and excommunicate Persons.
10th September 1641.

OUR Sovereigne Lord and Estates of Parliament ratifies the two Acts of Parliament anent the Escheats of excommunicate Persons, made by his Majesties Father of blessed Memory; one thereof, *Par. 14. cap. 197.* and the other, *Par. 20. cap. 3.* with the Addition and Declaration following. That no Gift of Escheat, past or to be past upon Excommunication, or Horning upon Excommunication, shall be vallid; but the same is declared to have been and to be null, in all Time comming, by way of Exception or Reply: And declares the saids two Acts, ratified as said is, with the Addition aforesaid made thereto, to be extended to all Excommunication pronounced or to be pronounced against whatsoever Person or Persons, and for whatsoever Causes. And further, His Majestie and Estates aforesaid ratifies and approves the Act made by his Majesties Father, *Par. 16. cap. 17.* anent Non-Communicants every Year once, with this Declaration and Addition, That the Penalties of the Contraveeners, modified in the said Act, be payable in all Time coming to the severall Presbyteries within the Jurisdiction whereof the Contraveeners dwell, to be applied by them *ad pios usus*: And that the said Presbyteries, or any they appoint, shall have Power to crave, receive and pursue for the same. And further, Our Sovereigne Lord and Estates aforesaid, for the greater Terror and the more effectually reclaiming of all excommunicate Persons, declares, That all Persons whatsoever, according to the Degrees and Qualities mentioned

mentioned in the said Act, lying under the Sentence of Excommunication, shall be lyable to the Paines and Penalties therein contained, and that yearly after the Sentence of Excommunication, ay and while they be relaxed therefrom, and reconciled to the Kirk: And also declares, That the said yearly Penalties against excommunicate Persons shall pertain to every Paroch Kirk and Kirk-Session in Burgh or Landward within their own Bounds, to be applyed *ad pios usus*; and that they, or any Person they appoint, shall have Power to crave, receive, and pursue the samine, to be applyed to the pious Uses of the severall Paroch Kirk-Sessions where the Contraveeners dwell; and in case of the Paroch Kirk-Sessions their Slacknesse, the Presbyterie to exact after the Expiration of Yeare and Day after the contraveening. And further declares the Donators to the excommunicate Persons their simple Escheat and Liferent, and all other Intromitters with their Goods, and Geir, and Livings, shall be liable to the Payment of the saids Paines and Penalties in the samine Manner as the excommunicate Persons are lyable themselves. And because, in the said Act, there is no particular Penalty modified against Burgeses, therefore his Majestie and Estates foresaids ordaines everie Burges that beares or hath borne Office of Magistracie, so oft as he shall contraveene the said Act, to pay the Summe of Two hundred Marks, and every other Burges the Summe of Fourtie Pounds: And suchlike ordaines the said Persons to be liable in the saids Penalties *respectivè*, not only for their own personall contraveening of the said Act, but also so oft as the same shall be contraveened by their Wives *respectivè*, and also so oft as the same shall be contraveened by their Children, they shall incurre the fifth Part of the saids Paines *respectivè*, for every Bairne not forisfamiliat, and of the Age of fifteen Yeares compleat, and that *toties quoties* they shall contraveene the said Act: And such like, that every Servant, so oft as he shall contraveene the said Act, shall pay one Yeares Fee *toties quoties*, lawfull Requisition being alwaies made to the saids Wives, Children and Servants, by their Pastor or Presbyterie, to give Obedience to the said Act.

86 *Against Profanation of the Lord's Day.*

Act XXVIII. Against going of Salt-Pans and Mills on the Lords Day, and other Profanations of that Day. 15th November 1641.

OUR Sovereign Lord and Estates of Parliament considering, notwithstanding the Acts of the Generall Assembly, ratified in this present Parliament June 1640. against the prophaning of the Lords Day, by going of Salt-Pans, Salmond-fishings, Kils, Mills, and hyring of Shearers on the said Day, yet the saids Abuses are not left off, but rather increased: Therefore our Sovereign Lord and Estates foresaid, for the better Restraint of the saids Abuses and Profanations, do againe inhibit and discharge all going of Salt-Pans or Mills, and all working of Works thereintill upon the Lords Day; and all hyring and conditioning of Shearers on the said Day, and that under the Paines and Penalties following, to be payed to the particular Sessions of every Paroch whertin the Abuses before specified are committed, to be employed to pious Uses, *viz.* The Summe of Twenty Pounds for ilk Day foresaid working in Manner foresaid of ilk Salt Pan, of ilk Dayes fishing of Salmond, and of ilk Mill, to be payed by the Heritors and Possessors thereof for the Time, and the Masters to be answerable for their Servants; and the Summe of Ten Pounds for ilk Shearer and Fisher of Salmond on the Lords Day; the one Halfe to be payed by the Hyrers and Conducers, the other Halfe by the Persons hired, *toties quoties*: And ordaines the Magistrates of the Town to keep the Transgressours in Ward while they pay the said Penalties, for the which the Magistrates shall be answerable to their Sessions. And further, our said Sovereign Lord and Estates do hereby inhibit and discharge all Markets, using of Merchandize, carrying of Loads upon the Lords Day, and all other Profanations or Abuses thereof whatsoever; and that under the same Paine of Ten Pounds, to be payed by every Transgressour to their Sessions *respectivè*, for the Uses foresaid, *toties quoties*: And ordaines the saids Penalties *respectivè* above specified to be exacted, by and attour the Confiscation of the Salt, Corne, Marchandize, Loads, and other Goods whatsoever, imployed, used, gayned, or made and wrought in the prophaning and

Ratification of the Convention anno 1643. 87

and abusing of the said Lords Day: which Paine is also hereby ordained: And, if the Transgressours be not able to pay the Penalties forelaids, ordaines them to be punished exemplarily in their Bodies, according to the Merit of their Fault, *toties quoties.*

Charles I. Parl. 3. Sess. 1. begun June 4. 1644.

Act V. Anent the Ratification of the calling of the Convention, Ratification of the League and Covenant, Articles of Treatie betwixt the Kingdomes of Scotland and England, and remanent Acts of the Condenon of Estates and Committee thereof. 15th July 1644.

THE Estates of Parliament, presently convened by Vertue of the last Act of the last Parliament holden by his Majestie and the three Estates anno 1641. considering that the Lords of his Majesties Privie Councell, and Commissioners for conserving the Articles of the Treatie, having, according to their Interests and Trust committed to them by his Majestie and Estates of Parliament, used all Meanes, by Supplications, Remonstrances, and sending of Commissioners, for securing the Peace of this Kingdome, and removing the unhappy Distractions betwixt his Majestie and his Subjects in England, in such a Way as might serve most for his Majesties Honour and Good of both Kingdomes, and their humble and dutifull Endeavours for so good Ends having proven ineffectuall, and their Offer of Mediation and Intercession being refused by his Majestie, and thereby finding the Weight and Difficultie of Affaires, and the Charge lying on them to be greater then they could beare, did therefore, in the Month of May 1643. meet together with the Commissioners for the common Burdens, that by joynt Advice some Resolution might be tane therein, and in respect of the Danger imminent to the true Protestant Religion, his Majesties Honour and Peace of thir Kingdomes, by the Multitude of Papists and their Adherents in Armes in England and Ireland, and of many other publick and important Affaires, which could not admit Delay, and did require the Advice

vice of the representative Body of the Kingdome, appointed and caused indict a Meeting of the Convention of Estates (his Majestie having formerly refused their humble Desires for a Parliament) to be upon the 22d of *June* following: Which Diet being frequently kept by the Noblemen, Commissioners of Shires and Burrows, and they finding these Dangers against this Kirk and State still increasing, resolved, after serious Deliberation, and Advice of the Generall Assembly, and joynt Concurrence of the Commissioners authorized by the Parliament of *England*, That one of the chiefest Remedies for preventing of these and the like Dangers, for Preservation of Religion and both Kingdomes from Ruine and Destruction, and for procuring of Peace, that both Kingdomes should for those Ends enter into Covenant; which was accordingly drawne up, and chearfully embraced and allowed: Whereat the opposite and malignant Party, more enraging then before, did gather their Strength and Power against the same, so as the Estates were necessitate to put this Kingdome into a Posture of Defence; and for this Purpose appointed Colonels and Committees of Warre in the severall Shires for exercising the Forces therein, and putting them in Readinesse for mutuall Defence, in this Cause of Religion, his Majesties Honour and Peace of his Kingdomes, as they should be required by the Estates, or their Committee, who were entrusted with the Charge of the publicke Affaires of the Kingdome during the not sitting of the Estates. And at last a Treatie was agreed unto by both Kingdomes concerning the said Covenant, and Assistance craved from this Kingdome by the Kingdome of *England*, in pursuance of the Ends expressed therein; and another Treatie for settling a Garrison in, and securing of the Town of *Berwick*, as the same more fully proports; conforme whereunto Orders were issued forth, and an Armie raised out of the Shires and Burrows of this Kingdome and sent into *England*. And the Estates, finding themselves bound in Dutie and Conscience to provide all Means for Supply of that Army, and relieving the *Scots* Army in *Ireland*, did resolve, That the same should be by Way of Excise, as the most constant, just, and equall Way, least prejudiciall to the Kingdome, and most beneficiall to the Cause in Hand; and ordained certaine Rates and

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Summes to be raised off the Commodities contained in the Act made thereanent, and Schedule thereunto annexed: And, in respect of the Necessitie of present Money, and that the Excise could not be gotten timoussly in for Supply of the Army, did appoint, That all Persons within this Kingdome, who had Moneys, or by their Credit could raise and advance the same, should lend such Summes to the Estates, or their Committee, as they should be required, upon Assurance of Repayment from the Publick, in Manner contained in the Acts made thereanent, and gave Order to their Committee to see them put in Execution, who have accordingly beene carefull in Discharge of that Trust committed to them. And the Estates being still desirous to use all good Meanes, that, without the Effusion of more Bloud, there may be such a blessed Pacification betwixt his Majestie and his Subjects, as might tend to the Good of Religion, his Majesties true Honour and Safery, and Happinesse of his People, did therefore give Commission to *John Earl of Lowdoun* Lord Chancellour, Lord *Maitland*, Lord *Waristoun*, and Master *Robert Barclay*, to repaire to *England*, and endeavour the effectuating of these Ends contained in the Covenant and Treaties, conforme to their Instructions: And in this Interim, the Estates being informed of the traitterous Attempts of some unnaturall Countreymen, who in an hostile Manner invaded this Kingdome towards the South, and had their Complices in Armes in the North, all for one Designe of subverting the Religion, Laws and Liberties of this Kingdome, were necessitate, for suppressing thereof, to direct an Army to the South, under the Command of the Earle of *Calender*, and a Committee of the Estates to be assisting to them; another Armie to the North, under the Command of the Marquesse of *Argyle*, and a Committee to goe along with him.

And the saids Estates having taken the Proceedings above written to their Consideration, do finde and declare, That the Lords of Councell, and Conservers of Peace, did behave themselves as faithfull Councillours, loyall Subjects, and good Patriots, in tendring their humble Endeavours for removing the Distractions betwixt his Majestie and his Subjects, and in calling the Commissioners for the common Burdens, and by joynt Advice appointing the late Meeting of

90 Ratification of the Convention anno 1643.

Convention, wherein they have approved themselves answerable to the Dutie of their Places, and that Trust committed to them; and therefore ratifies and approves their whole Proceedings therein, and declares the said Convention was lawfully called, and als full and free in itselfe, consisting of all the Members thereof, as any Convention hath been in any Time bygone; and ratifies and approves the severall Acts made by them or their Committee, for enjoining the Covenant, appointing of Committees, putting the Kingdome in a Posture of Defence, allowing the Treaties, raising of Armies, and sending them into *England*, establishing the Excise, and borrowing of Money, and all other Acts, Decrees, Sentences, Precepts, Warrants, Commissions, Instructions, Declarations, and other Deeds done by them.

And also the saids Estates of Parliament (but Prejudice of the Premisses, and of the generall Ratification above mentioned) ratifies, approves and confirms the foresaid mutuall League and Covenant concerning the Reformation and Defence of Religion, the Honour and Happinesse of the King, and the Peace and Safety of the three Kingdomes of *Scotland*, *England* and *Ireland*; together with the Acts of the Kirk and Estate authorising the same League and Covenant; together also with the foresaids Articles of Treatie agreed upon betwixt the saids Commissioners of the Convention of Estates of *Scotland*, and the Commissioners of both Houses of the Parliament of *England*, concerning the said solemne League and Covenant, and the settling of the Towne and Garrison of *Berwick*; with the foresaids Acts establishing the Excise, and borrowing of Moneyes *respectivè* above mentioned. And the saids Estates ordaines the same Acts, with the League and Covenant above specified, Acts authorising same, and the Articles of Treatie foresaid, to have the full Force and Strength of perfect Lawes and Acts of Parliament foresaid, and to be observed by all his Majesties Lieges, conforme to the Tenors thereof *respectivè*. Of the which League and Covenant, and Acts authorising the same, the Tenors follow.

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A SOLEMNE LEAGUE and COVENANT
for Reformation and Defence of Religion, the Honor and Happiness of the King, and the Peace and Safety of the three Kingdomes of Scotland, England and Ireland.

WE Noblemen, Barons, Knights, Gentlemen, Citizens, Burgesses, Ministers of the Gospel, and Commons of all Sorts in the Kingdomes of *Scotland, England and Ireland*, by the Providence of God living under one King, and being of one reformed Religion, having before our Eyes the Glory of God, and the Advancement of the Kingdome of our Lord and Saviour Jesus Christ, the Honour and Happiness of the Kings Majestie and his Posterity, and the true publick Liberty, Safety and Peace of the Kingdomes wherein every Ones private Condition is included; and calling to Minde the treacherous and bloody Plots, Conspiracies, Attempts and Practices of the Enemies of God, against the true Religion and Professours thereof in all Places, especially in these three Kingdomes, ever since the Reformation of Religion, and how much their Rage, Power and Presumption are of late, and at this Time, increased and exercised, (whereof the deplorable State of the Church and Kingdome of *Ireland*, the distressed Estate of the Church and Kingdome of *England*, and the dangerous Estate of the Church and Kingdome of *Scotland*, are present and publick Testimonies) we have now at last, (after other Means of Supplication, Remonstrance, Protestations and Sufferings) for the Preservation of ourselves and our Religion from utter Ruine and Destruction, according to the commendable Practice of these Kingdomes in former Times, and the Example of Gods People in other Nations, after mature Deliberation, resolved and determined to enter into a mutuall and solemne League and Covenant, wherein we all subscribe, and each one of us for himself, with our Hands lifted up to the most High God, doe swear,

1. **T**HAT we shall sincerely, really and constantly, through the Grace of God, endeavour, in our severall Places and Callings, the Preservation of the reformed Religion in the Church of *Scotland*, in Doctrine, Worship, Discipline

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cipline and Government, against our common Enemies; the Reformation of Religion in the Kingdomes of *England* and *Ireland*, in Doctrine, Worship, Discipline and Government, according to the Word of God and the Example of the best reformed Churches; and shall endeavour to bring the Churches of God in the three Kingdomes to the nearest Conjunction and Uniformity in Religion, Confession of Faith, Forme of Church-Government, Directory for Worship and Catechizing; that we, and our Posterity after us, may, as Brethren, live in Faith and Love, and the Lord may delight to dwell in the Midst of us.

2. That we shall, in like Manner, without Respect of Persons, endeavour the Extirpation of Popery, Prelacie, (that is, Church-Government by Archbishops, Bishops, their Chancellours and Commissaries, Deans, Deans and Chapters, Archdeacons, and all other Ecclesiastical Officers depending on that Hierarchy) Superstition, Heresie, Schisme, Prophane-nesse, and whatsoever shall be found to be contrary to sound Doctrine and the Power of Godlinesse, lest we partake in other Mens Sins, and thereby be in Danger to receive of their Plagues; and that the Lord may bee one, and his Name one in the three Kingdomes.

3. We shall with the same Sincerity, Reality and Constancie, in our severall Vocations, endeavour, with our Estates and Lives, mutually to preserve the Rights and Priviledges of the Parliaments and the Liberties of the Kingdomes; and to preserve and defend the Kings Majesties Person and Authority, in the Preservation and Defence of the true Religion and Liberties of the Kingdomes; that the World may bear Witness with our Consciences of our Loyaltie, and that wee have no Thoughts or Intentions to diminish his Majesties just Power and Greatnesse.

4. We shall also, with all Faithfulnesse, endeavour the Discovery of all such as have been, or shall be Incendiaries, Malignants, or evil Instruments, by hindering the Reformation of Religion, dividing the King from his People, or one of the Kingdoms from another, or making any Faction or Parties amongst the People contrary to this League and Covenant, that they may be brought to publick Triall, and receive condigne Punishment as the Degree of their Offences shall

shall require or deserve, or the supreame Judicatories of both Kingdomes respectively, or others having Power from them for that Effect, shall judge convenient.

5. And whereas the Happinesse of a blessed Peace between these Kingdomes, denyed in former Times to our Progenitors, is by the good Providence of God granted unto us, and hath been lately concluded and settled by both Parliaments, we shall each one of us, according to our Place and Interest, endeavour that they may remaine comjoyned in a firme Peace and Union to all Posterity, and that Justice may be done upon the wilfull Opposers thereof in Manner expressed in the precedent Article.

6. We shall also, according to our Places and Callings, in this common Cause of Religion, Liberty and Peace of the Kingdomes, assist and defend all those that enter into this League and Covenant, in the maintaining and pursuing thereof; and shall not suffer ourselves, directly or indirectly, by Combination, Persuasion or Terrour, to be divided and withdrawn from this blessed Union and Conjunction, whether to make Defection to the contrary Part, or to give ourselves to a detestable Indifferency or Neutrality in this Cause, which so much concerneth the Glory of God, the Good of the Kingdomes, and Honour of the King: But shall, all the Dayes of our Lives, zealously and constantly continue therein against all Opposition, and promote the same, according to our Power, against all Lets and Impediments whatsoever; and, what wee are not able ourselves to suppress or overcome, we shal reveal and make known, that it may be timely prevented or removed: All which we shall do as in the Sight of God.

And, because these Kingdomes are guilty of many Sins and Provocations against God, and his Son Jesus Christ, as is too manifest by our present Distresses and Dangers, the Fruits thereof, wee profess and declare before God and the World, our unfained Desire to be humbled for our own Sins, and for the Sins of these Kingdomes; especially, that we have not, as we ought, valued the inestimable Benefit of the Gospel, that wee have not laboured for the Purity and Power thereof, and that we have not endeavoured to receive Christ in our Hearts, nor to walk worthy of him in our Lives, which are the Causes of other Sins and Transgressions so much abounding amongst us;

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us ; and our true and unfained Purpose, Desire and Endeavour, for ourselves, and all others under our Power and Charge, both in Publick and in Private, in all Duties wee owe to God and Man, to amend our Lives, and each one to go before another in the Example of a real Reformation ; that the Lord may turn away his Wrath and heavy Indignation, and establish these Churches and Kingdomes in Truth and Peace. And this Covenant wee make in the Presence of Almighty God, the Searcher of all Hearts, with a true Intention to performe the same, as we shall answer at the great Day, when the Secrets of all Hearts shall be disclosed : Most humbly beseeching the Lord, to strengthen us by his Holy Spirit for this End, and to bless our Desires and Proceedings with such Successe, as may be Deliverance and Safety to his People, and Encouragement to other Christian Churches groaning under, or in Danger of the Yoke of Antichristian Tyrannie, to join in the same or like Association and Covenant, to the Glory of God, the Enlargement of the Kingdom of Jesus Christ, and the Peace and Tranquillity of Christian Kingdoms and Commonwealths.

Sess. XIV. *August 17. 1643.*

The Generall Assemblies Approbation of the Draught of the League and Covenant presented to them.

THE Assembly having recommended unto a Committee appointed by them, to joyn with the Committee of the Honourable Convention of Estates, and the Commissioners of the Honourable Houses of the Parliament of *England*, for bringing the Kingdomes to a more near Conjunction and Union, received from the aforesaid Committees the Covenant above mentioned as the Result of their Consultations : And, having taken the same, as a Matter of so publick Concernment, and of so deep Importance doth require, unto their gravest Consideration, did, with all their Hearts, and with the Beginnings of the Feelings of that Joy which they did finde in so great Measure upon the Renovation of the National Covenant of this Kirk and Kingdom, all with one Voice approve and embrace the same, as the most powerful Mean, by the Blessing

The Convention approve the Solemn League. 95

sing of God, for settling and preserving the true Protestant Religion, with perfect Peace, in his Majesties Dominions, and propogating the same to other Nations, and for establishing his Majesties Throne to all Ages and Generations. And therefore, with their best Affections, recommend the same to the Honourable Conventions of Estates, that, being examined and approved by them, it may be sent with all Diligence to the Kingdome of *England*, that, being received and approved there, the same may be with publick Humiliation, and all religious and answerable Solemnity, sworn and subscribed by all true Professors of the reformed Religion, and all his Majesties good Subjects in both Kingdomes.

The Convention of Estates their Approbation of the Draught of the League and Covenant aforesaid. 17th August 1643.

THE Noblemen, Commissioners of Shires and Burrows now convened, having received the Covenant above mentioned from their Committee, as the Result of their Consultations with a Committee of the Generall Assembly, and the Commissioners from both Houses of the Parliament of *England*; and having taken that Covenant unto their gravest Consideration, did, with all their Hearts, and great Expressions of Joy and Unanimitie, approve and embrace the same, as the most powerfull Meane, by the Blessing of God, for settling and preserving the true Protestant Religion, with a perfect Peace, in all his Majesties Dominions, and propogating the same to other Nations, and for establishing his Majesties Throne to all Ages. And being very confident that their Brethren in the Kingdom of *England* will heartily receive and approve the same, Therefore, according to the earnest Recommendation of that Venerable Assembly of this Kirk now met, thinks it most necessary, for the good Ends aforesaid, that it be sent into that Kingdome with all Diligence, that, being received and approved by their Brethren there, the same may bee with all religious Solemnities, sworn and subscribed by all true Professors of the reformed Religion, and all his Majesties good Subjects in both Kingdomes.

Act of the Commission of the Generall Assembly for the solemn receiving, swearing and subscribing of the League and Covenant.

At Edinburgh, 11th October 1643.

THE Commissioners of the Generall Assembly, having received from their Brethren sent unto the Kingdome of *England* the solemn League and Covenant above written, as it was approven by the Honourable Houses of the Parliament of *England*, and the Assembly of Divines in that Kingdome and solemnly sworn and subscribed there, after due Examination thereof, did all in one Voice most heartily receive and embrace the same, as agreeing with the Draught unanimously and chearfully approven and embraced by the late Generall Assembly and Convention of Estates, as the most powerfull Meane, by the Blessing of God, for settling and preserving the true Protestant Religion with perfect Peace in his Majesties Dominions, and propagating the same to other Nations, and for establishing his Majesties Throne to all Ages and Generations: And therefore, according to the Power given to them by the said Assembly, ordaine this solemn League and Covenant to bee, with publick Humiliation and all religious Solemnities, received, sworn and subscribed by all Ministers and Professours within this Kirk: And, that this may be universally performed, it is also ordained, That this League and Covenant be forthwith printed, and that the printed Copies, bound with some cleane Sheets of Paper, be sent unto the Ministry; and that every Minister, upon the first Lords Day after the same shall come to his Hands, read and explaine it, and by Exhortation prepare the People to the swearing and subscribing thereof solemnly the Lord's Day next immediately following. And it is further ordained, That Presbyteries take Account of the Performance hereof in their severall Bounds, and that they proceed with the Censures of the Kirk against all such as shall refuse or shift to sweare and subscribe this League and Covenant, as Enemies to the Preservation and Propagation of Religion; and that they notifie their Names, and make particular Report of their own Diligence herein-till to this Commission, or their Moderator, or Clerk, to be delivered to them: And the Commissioners think it very

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convenient for good Example, and the better Encouragement of others, that this Covenant be solemnlie sworne and subscribed by themselves now present, before the Congregation in the East Kirk, upon *Friday* next the 13th of this Instant, after Sermon and Exhortation to be made by Master *Robert Douglas* Moderator; and that the Commissioners of the Convention of Estates now in Town, and the Commissioners from the Parliament of *England*, and the Divines of that Kingdome here present, be earnestly desired to join with them in this solemn and religious Action.

Ordinance by the Committee of Estates for the solemn receiving, swearing and subscribing of the League and Covenant.

At *Edinburgh*, the 12th of *October* 1643.

THE Commissioners of the Convention of Estates, having received from the Commissioners of the Generall Assemblie the Solemne League and Covenant above mentionat, approven and solemnlie sworne and subscribed in the Kingdome of *England*; and having taken the same to their serious Consideration, doe unanimooslie and chearfullie receive and embrace it, as agreeing with the Draught approven by the late Convention of Estates and Generall Assembly; and therefor ordains the same to be, with all religious Solemnities, sworn and subscribed by all his Majesties Subjects of this Kingdome; and that under the Paine, of such as shall postpone or refuse, to bee esteemed and punished as Enemies to Religion, his Majesties Honour, and Peace of thir Kingdomes; and to have their Goods and Rents confiscat for the Use of the Publick, and that they shall not brook nor enjoy any Benefite, Place nor Office within this Kingdome: And als ordains all Sheriffs, Stenarts, and others his Majesties Majestrats to Brugh and Lands, and Committees in severall Shyres, to be assisting to Ministers and Presbyteries in procuring reall Obedience hereunto; and that with all Diligence they make Report to the Committee of Estates, of the Names of all such Persons as shall postpone or refuse, to the Effect Course may be taken with them as aforesaid. And that they be cited to ansuire to the nixt Parliament, as Enemies to Religion, King and Kingdomes, and

to receive what further Punishment his Majestie and Parliament shall inflict upon them: And further, ordaines this Presents to be printed with the former Act of the Estates, and published at the Markett-Crosses of the Head-Burrows of this Kingdome, wherthrough non pretend Ignorance of the same.

Act XIV. Discharging Executions of Captions for Debt upon the Lords Day, or upon Fasts, &c. commanding Warnings, &c. to be read after the Blessing, and extending the Acts made against Profanation of the Saboth. July 23. 1644.

THE Estates of Parliament, presently convened by virtue of the last Act of the last Parliament, holden by his Majestie and the three Estates in anno 1641. for the better Observation of the Lords Day, and of other Dayes set apart for his solemne Worship, discharges all Execution of Letters of Caption raised for civil Debts in any Tym of the Lords Day, or upon ordinary Week-Dayes appointed for solemne Fastes or Thanksgivings, during the Tyme of divine Service. And suchlike, discharges all Warnings, Inhibitions, Requisitions, or other Letters, to be read at the Kirk-Door before the firste Sermon; and ordaines the same to be read, hereafter, immediately after the Minister hath concluded the Exercise and said the Blessing, whereby the Congregation, at the Dissolving, may more commodiously hear, and the Worship of God will not be interrupted: And als declares that all Acts made against Salmond-Fishing, or any other Labour on the Lords Day, to be not only against Servants, who doe actually work, but also the samine shall be extended against Maisters whose hired Servants they are, if the Servant's working be either of the Maister's Knowledge, or with their Approbation or Connivance: And farther, the Estates doe hereby declare and ordaine, that all Acts of Parliament made against Prophanation of the Lords Day, be extended to ordinary Week-Dayes appointed for solemne Fastes and Thanksgiving, during the Tyme of divine Service upon the samen.

Act XVIII. Against Keepers of Taverns, &c. and Sellers of Drink on the Lords Day. 23d July 1644.

THE Estates of Parliament, presently convened by virtue of the last Act of the last Parliament, holden by his Majestie and the three Estates in anno 1641. considering that the great Abuse of Druckenness doe still continow and increase, notwithstanding of the 20th Act of the 22d Parliament of King *James VI.* of good Memory, made against Drunkards and Haunters in Taverns and Ale-Houses after ten Hours at Night, or at any Tym of the Day except in Time of Travel, or for ordinary Refreshment, therefor, and for the better Restraint of the said Vice of Druckenness, ratifies and approves the said Act; and farther declare and ordain, That not only Drunkards and Haunters in Taverns and Ale-Houses, in Manner foresaid, shall be liable to the said Act, but the sam, in the whole Tenor thereof, shall hereafter be extended against the Keepers of Taverns or Ale-Houses that sell the Drink unto them.

An ACT past in the second Session of the first triennial Parliament of K. *Charles I.* begun the 7th *January 1645.*

Act VIII. Anent the printing of the Warning from the General Assembly, 13th February 1645.

THE Estates of Parliament, now convened in the second Session of this first triennial Parliament, by virtue of the last Act of the last Parliament, holden by his Majestie and three Estates in anno 1641. having heard the Warning presented unto them from the General Assembly read in their Audience, received the same chearfully as a seasonable Warning, and appointed the same to be printed; and ordains the Earle of *Crawfurd-Lindsay*, President of the Parliament, to give Thanks from the Parliament to the Assembly, for their Care, Pains and Vigilancy expressed thereintil.

ACTS

ACTS done in the fourth Session of the first triennial Parliament of K. Charles I. begun 4th July 1645.

Act II. Of Approbation of the Directory, and for recording, publishing and practising of the same conform to the printed Copy. 2d August 1645.

THE Estates of Parliament, now convened in the fourth Session of this first triennial Parliament, by virtue of the last Act of the last Parliament, holden by his Majesty and three Estates in anno 1641. having seriously considered the printed Copy of the Directory for publick Worship, now presented unto them from the Commissioners of the General Assembly, and finding the same agreeable to the Copy presented from the late General Assembly in the preceeding Session of this Parliament, do therefore ratify and approve the said printed Copy, and ordains the Directory for the publick Worship to be recorded, published and practised according to the Tenor thereof.

Act VIII. Against swearing, drinking, and mocking of Piety. 7th August 1645.

THE Estates of Parliament, considering that, by the Solemn National Covenant, sworn and subscribed by People of all Ranks within this Kingdom, and ratified in Parliament in anno 1641. the whole Lieges have bound themselves before God, with a solemn Oath, so to behave themselves in their Lives and Conversations as becometh Christians who have renewed their Covenant with God, and have faithfully promitted, for themselves, their Followers, and all others under them, both in publick and their particular Families: and personal Carriage, to endeavour to keep themselves within the Bounds of Christian Liberty, and to be good Examples to others of all Godliness, Sobriety and Righteousness, and of every Duty they owe to God and Man: and also calling to Mind, that the neglecting of the Performance of that Part of the solemn Oath of the National Covenant, and the open Abundance of all Vices dishonourable to God, and reproachful to the said National Covenant, hath, without Doubt, occasioned the heavy Judgments which the Lord, in his

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his great Wrath, hath poured out upon this Land, as appeareth this Day : THEREFORE the Estates, for curbing such Vices as are gross and most usual, and for testifying their Detestation thereof, and for putting a Mark upon the Committers of the same, statute and ordain, That whosoever shall swear, curse, or blaspheme, and whosoever shall drink excessively, especially under the Name of Healths, and also all Mockers and Reproachers of Piety, or the Exercise thereof, or who shall be found culpable of all, or any one or other of the foresaid Vices, by any Kirk-Judicatory whereunto they are subject, having been once already censured by the saids Kirk-Judicatories for the same Vice before, shall, after the second Conviction before the said Kirk-Judicatories, be censured in Manner following, viz. That ilk Nobleman shall pay Twenty Pounds for the said second Conviction, and ilk Fault thereafter, *toties quoties* : Ilk Baron Twenty Merks : Ilk Gentleman, Heretor, Burges, ten Merks : Ilk Yeoman fourty Shillings : Ilk Servant twenty Shillings : Ilk Minister the fifth Part of their Year's Stipend ; and that the Wives Delinquents against this Act be punished according to the Quality of their Husbands, and that their Husbands be lyable for Payment of their Wives Fines ; and it is ordained that the saids Fines be employed *ad pios usus* in the Parish where the Offenders dwells. And it is farther ordained, That ilk Master who shall keep and maintain any of his Servants offending in the Premisses in his Company, after they shall be sentenced conform to the present Statute, shall be lyable in Payment of the Servant's Fine ; and it is declared, that the executing of this Act shall be beside and without Prejudice of the Kirk-Censure.

ACTS done in the fifth Session of the first triennial Parliament of K. Charles I. begun 26th November 1645.

Act IV. For publishing and printing of the Declaration of the Commissioners of the General Assembly. 26th December 1645.

THE Estates of Parliament, now convened in the fifth Session of this triennial Parliament, having heard and considered the Declaration presented unto them by the

the Commissioners of the General Assembly, read in their Audience, they received the same cheerfully as an seasonable Declaration, and appoints the same to be published and printed; and ordains the Earl of *Cassils*, Vice-President of Parliament, to give Thanks from the Parliament to the Commissioners of the General Assembly, for their Care, Pains, and Vigilency expressed in the said Declaration *.

Act XIII. Discharging the Printing of any Thing concerning Religion or the Kirk without Licence. 2d February 1646,

THE Estates of Parliament, presently convened in the fifth Session of this first triennial Parliament, understanding from the General Assembly the great Abuse of printing and publishing Books, Letters, and other Papers concerning Religion and the Kirk without Licence: Therefore, for Remedy thereof, inhibites and discharges all and every one to presume hereafter to print or reprint any Declarations, Protestations, Covenants, Confessions, Letters, Acts, or any Thing issuing from Kirk-Judicatories, or any Books, Treatises, Histories, Sermons, Commentaries, Disputes, or other Papers whatsoever treating of Religion, or any Point of Religion, in Doctrine, Worship, or Discipline, or concerning the Kirk, the Officers, Government, or Condition of Affairs thereof, without special Licence and Privilege of the General Assembly, or their Commissioners, or such as shall have Power from them; and that under the Pain of Confiscation of the saids Books, and other Papers printed without Licence aforesaid, and of the Presses, Types, and other moveable Goods whatsoever belonging to the Printers thereof; the one Half thereof shall belong to the Kirk, to be made use of and employed upon pious Uses, beside any further personal Punishment of the saids Printers, that the Lords of secret Counsel, or the Committees of Parliament, or Convention, shall think fit to inflict: And the saids Estates ordains Magistrates of Burghs where Printers dwell, upon Information from the General Assembly, their Commissioners, or others having Power from them, to arrest, take and apprehend the saids Printers, Contraveeners of this Act, with the Books and other Papers aforesaid, to be presented to the Lords

* This Declaration is to be seen amongst the Acts of Assembly at that Time

Lords of Council, or Committees of Parliament, or Convention, to underly the Law for the said Offence; that after Trial thereof, the saids Books and Papers, and all the other Goods aforementioned, may be confiscate in Manner aforesaid, and the Offenders further punished at the Discretion of the said Judges.

Act XVII. For founding Schools in every Parish. 2d Februry 1646.

THE Estates of Parliament, now conveyened in the fifth Session of this first triennial Parliament, considering how prejudicial the Want of Schools in many Congregations hath been, and how beneficial the founding thereof in every Congregation will be to this Kirk and Kingdom, do therefore statute and ordain, That there be a School founded, and a Schoolmaster appointed, in every Parish, (not already provided) by Advice of the Presbytery: And to this Purpose, that the Heritors in every Congregation meet among themselves, and provide a commodious House for a School, and modify a Stipend to the Schoolmaster, which shall not be under an hundred Merks, nor above two hundred Merks, to be paid yearly at two Terms: And to this Effect that they set down a Stent upon every one's Rent of Stock and Tiend in the Parish proportionably to the Worth thereof, for Maintenance of the School, and Payment of the Schoolmaster's Stipend; which Stipend is declared to be due to the Schoolmasters by and attour the Casualties which formerly belonged to Readers and Clerks of Kirk-Sessions; and if the Heritors shall not conveyen, or, being conveyened, shall not agree amongst themselves, then, and in that Case, the Presbytery shall nominate twelve honest Men within the Bounds of the Presbytery, who shall have Power to establish a School, modify a Stipend for the Schoolmaster with the Latitude before expressed, and set down a Stent for Payment thereof, upon the Heritors, which shall be as valid and effectuell, as if the same had been done by the Heritors themselves. And, because the Proportions imposed will be very small, therefore, for the better and more ready Payment thereof, it is further ordained, That if two Terms Proportions

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portions run in the third unpaid, then these that so fail in Payment shall be lyable in the double of their Proportions then resting, and in the double of every Term's Proportion that shall be resting thereafter, ay and while the Schoolmaster be compleatly paid, and that without any Defalcation; and that Letters of Horning, and all other Executories necessary be directed, at the Instance of the Schoolmaster, for Payment of the double of the Proportion in Manner foresaid, discharging hereby any Suspension to pass against the Schoolmasters without Consignation. And it is declared, That Liferenters, during their Lifetime, shall be lyable in Payment of the Proportion imposed upon the Lands liferented, and Execution in the Manner before expressed shall pass against them for that Effect, and the Heirors shall be always free of the same during the Liferenter's Lifetime. And if any Persons finds themselves wronged by the Inequality of the Proportions imposed, it shall be lawful for them to seek Redress thereof before the Lords of Secret Council or Session, within Year and Day after the imposing of the Stent, and no otherways.

Act XVIII. Discharging Lykewakes. 2d February 1646.

THE Estates of Parliament, now convened in the fifth Session of this first triennial Parliament, considering the great Abuse of Lykewakes, do therefore inhibit and discharge all Persons of whatsoever Quality to have Lykewakes hereafter, and that under the Pain of twenty Pound *Scots* to be paid by the Contraveeners *toties quoties*, to the Kirk Session, for pious Uses: And ordaines their Fynes and Penalties to be uplifted conform to the Act made at *Perth* anent the uplifting of pecunial Pains.

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ACTS done and past in the sixth Session of the first triennial Parliament of K. Charles I. begun November 3. 1646.

Act X. Declaration of the Kingdome of Scotland concerning the Kings Majesties Person. 16th January 1647.*

WHereas it pleased God to joyne the Kingdomes of Scotland, England and Ireland in Solemne League and Covenant, for Reformation and Defence of Religion, the Honour and Happines of the King, and their own Peace and Safety, and, in Pursuance thereof, the Scots Army being in the Kingdome of England, the Kings Majesty came into their Quarters before *New-warke*, and professed he came there with a full and absolute Intention to give all just Satisfaction to the joynt Desires of both Kingdomes, and with no Thought either to continue this unnaturall War any longer, or to make Division betwixt the Kingdomes, but to comply with his Parliaments, and these entrusted by them, in every Thing for settling Truth and Peace, and that he would apply himself totally to the Counsels and Advices of his Parliaments; and this he did not onely professe verbally to the Committee of Estates with the Scots Army, but also in his severall Letters and Declarations under his Hand to the Committee of Estates of Scotland, and to the two Houses of the Parliament of England respective: In Confidence whereof, and of the Reality of his Intentions and Resolutions, which he declared proceeded from no other Ground than the deep Sense of the bleeding Condition of his Kingdomes, the Committees of the Kingdom of Scotland, and General Officers of the Scots Army, declared, to himself and the Kingdom of England, their receiving of his Royall Person to be on these Terms, (which is the Truth, notwithstanding what may be suggested or alledged in the contrair by any within or without the Kingdoms) and represented to him, that the only Way of his own Happinesse and Peace of his Kingdomes, under God, was to make good his Professions so solemnely renewed to both Kingdomes.

Thereafter, not only were Propositions of Peace (which,
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* This Act is insert to shew the Fallacy of the Allegation, that the Presbyterians cut off the King's Head.

after serious and mature Deliberation, were agreed upon) tendered to him, in the Name of both Kingdomes, for his Royall Assent thereto, but also all the supream Judicatories of this Kingdome, both Civill and Ecclesiastick, made their humble and earnest Addressses. to his Majesty, by Supplications, Letters, and Commissioners for that End, and did fully represent all the Prejudices and Inconveniencies of the Delay or Refusall of his Assent; and, in particular, that his Kingdome would be necessitate to joyne with the Kingdome of *England*, conforme to the League and Covenant, in providing for the present and future Security of both Kingdomes, and in settling the Government of both, as might most conduce to the Good of both. And the Parliament of *Scotland*, being now, according to the Treaty, to retire their Army out of *England*, have again, for their further Exoneration, sent Commissioners to represent their renewed Desires to his Majesty, with the Dangers may ensue by his Delay or Refusall to grant the same, and that till then there was Danger to the Cause, to his Majesty, to this Kingdom, and to the Union betwixt the Kingdoms by his coming into *Scotland*, and that therefore a joynt Course will bee tane by both Kingdomes anent the Disposall of his Person. And, considering that his Majesty, by his Answer to the Propositions of Peace in *August* last, and also by his late Message to the two Houses, (and by his Warrant communicate to the Estates of this Kingdome) hath expressed his Desires to be near to the two Houses of Parliament. And seeing also the Parliament of *England* have communicate to the Scots Commissioners at *Newcastle*. and by them to this Kingdome, their Resolution, That *Holenby-House*. in the County of *Northampton*, is the Place which the Houses think fit for the King to come unto, there to remain, with such Attendants about him as both Houses of Parliament shall think fit to appoint, with respect had to the Safetie and Preservation of his Person, in the Preservation and Defence of the true Religion and Liberties of the Kingdomes, according to the Covenant: Therefore the Estates of Parliament of the Kingdome of *Scotland*, and in regard of his Majesties not giving a satisfactorie Answer to the Propositions as yet, and out of their earnest Desire to keep a right Understanding betwixt these Kingdomes, to prevent

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new Troubles within the same, to satisfie the Desire of his Majesty, and the two Houses of Parliament of *England*, and of this Kingdome, for his Residence in some of his Houses near the Parliament of *England*, and to prevent Misinformation, and to give Satisfaction to all, do declare their Concurrence for the Kings Majesties going to *Holmby-House*, or some other of his Houses in or about *London*, as shall be thought fit, there to remain untill he give Satisfaction to both Kingdomes in the Propositions of Peace: And that in the *Interim* there be no Harme, Prejudice, Violence, nor Injury done to his Royall Person; that there be no Change of Government other then has been these three Yeares past; and that his Posterity in nowayes be prejudged in their lawfull Succession to the Crown and Government of these Kingdomes. And as this is the clear Intention and full Resolution of the Kingdome of *Scotland*, according to their Interest and Duty in relation to the Kings Majesty, so they are confident (from the same Ground and manifold Declarations of the Parliament of *England*) that the same is the Resolution of their Brethren; and at such a Time they do expect a renewed Declaration thereof, and that they will give brotherly and just Satisfaction to the Desires herewith sent. Likeas the Kingdom of *Scotland* do hereby assure their Brethren in *England*, that it shall be their constant Endeavour to keep, continue, and strengthen the Union and Peace betwixt the Kingdomes, according to the Covenant and Treatie.

Act XV. Answer of the Parliament to the Remonstrance of the Church. 11th February 1647.

THE Estates of Parliament, now convened in this sixth Session of the first trienniall Parliament, having seriously considered the Remonstrance of the Commissioners of the Generall Assembly presented to them, do, with all thankfull Acknowledgement, receive the pious and seasonable Admonitions and Exhortations therein contained, and return to their particular Desires this following Answer.

1. That they do hereby ordain all Acts already passed, for punishing of Vice, and advancing of Virtue, to stand in Force, and be put to due Execution, recommending the same to all the Ministers of Justice whom it concernes; and

and that they are yet ready to enact any further new Lawes and Ordinances necessary for that Purpose, having appointed a Committee for Acts and Overtures to meet with Mr. *James Robertoun*, the Justice-Depute, at all convenient Oecasions, for receiving and considering the Desires and Overtures of the said Commissioners, and to prepare a Report of their Opinions therein to the Parliament with all Diligence.

2. That they have been ever carefull to preserve that Band of Union between the Kingdomes, and to prosecute the Work of Uniformity according to the Covenant, still resolving zealously to study the same: That they have yet again made their humble Addresses to his Majesty for signing the Covenant, and satisfying the Desires of his Parliaments of both Kingdomes; all which their Instructions to their Commissioners at *London* and *Newcastle*, and their Letters to the Parliament of *England*, do sufficiently expresse: And what further is to be done, in relation to these Particulars, shall be communicate to the Commission from Time to Time, that they may joyntly concur, according to their Place and Vocation for prosecuting thereof.

3. Touching the Particulars concerning these Persons brought off the Rebellion by the Generall-Major thereunto warranted, that the publick Faith so given unto them is not to be violated; but, for the better securing the Peace and Quiet of the Kingdomes, these Persons brought off the Rebellion are hereby appointed to give such further Assurance of their good and regular Behaviour in Time coming, and for keeping the Peace, as is conform to the former Lawes and Practises: And in the mean Time, that such of them, and others accessory to the Rebellion, and under Censure of Church and State, whom the Committee thereunto appointed shall think fit, be commanded off Town; and that an Act and Proclamation be drawn by that Committee, and speedily expedited and prepared for the Parliament to that Effect, ordaining further, That the saids Persons brought off the Rebellion, and any others guilty of the Crimes mentioned in the first Classe of the Act at *St. Andrews*, shall not be admitted to sit in any publick Judicatories, nor enjoy and exerce any Offices or Places of Trust, civill or military, during the Time of these Troubles, and longer during the Pleasure of the

the Parliament, without Préjudice to Persons who have heritable Offices, to nominate and appoint, by the Advice of Parliament, Committee of Estates, or Secret Councell, fit Persons, against whom there is no just Exception; to be their Deputes in these Offices. And it is also hereby declared; That these Persons brought off the Rebellion are not to be in a better Condition than other Subjects, but that they are and shall be lyable and subject in Payment of all Loans, Taxes, monethly Maintenance, and of their Proportions for Leavies of Foot and Horse, at the Rates and Prices set down by Acts of Parliament, or Committee of Estates, or Committees of War in Shires where they have Interest *respectively*; and of all other publick Burdens, Impositions, and Duties whatsoever, for all Yeares bygone and in Time coming, as fully, and in the same Manner, as any other Person is or hath been subject thereunto.

4. That all the former Lawes and Ordinances against excommunicate Persons are hereby appointed to stand in full Force and Vigour, recommending to every one whom it concerns to put the same to due Execution: And what shall be found further necessary from the Parliament, to make that dreadful Ordinance of God sensible to such obstinate Offenders, and to have due Regard and Reverence from all, is to be considered by the said Committee, to whom the Overtures of the Commission to that Purpose are referred; and, after Return of their Report, the Parliament will take the same to speciall Consideration.

5. That they are very sensible of the Distresses of the Province of *Argyle*, and have already provided some Means for their present Subsistance and Relief, resolving still to take further Course for their Help and Succour, and to prosecute the War against the Rebels, not only there, but in all the Parts of the Kingdome.

6. That the Business of *Ireland* is carefully recommended to the grand Committee; wherein, after the Result of their Consultations shall be returned, they are to take some speedie and effectuall Course accordingly.

7. That they judge it most just and reasonable, that the Judicatories of the Kirk be preserved in their Integrity and Authority, that Insolencies against them be exemplarily punished

nished, and that particular Ordinances be drawn for that Purpose, which is hereby recommended to the said Committee of Overtures.

8. That they have recommended to the Generall Officers, to punish the Insolencies and Disorders of Souldiers committed before this Time; and for preventing the like hereafter, they are to consider the Report of the great Committee, and to take Course how the Officers that are to have Command may give Assurance for restraining and redressing such Insolencies and Disorders for Time to come.

And the Estates of Parliament hereby statute and ordain, That the particular Ordinances, Declarations and Answers above expressed, shall have the Strength and Authority of Acts, Declarations, Answers and Ordinances of Parliament, conform to the Tenours and Natures thereof *respective*.

Act XXVII. Against excommunicate Persons. 18th March 1647.

FOrasmuch as the Pride and Insolencie of excommunicate Persons doeth exceedingly increase, and that dreadfull Censure of Excommunication is much slighted and vilipended, whereby not onely the Offenders are obdured in their obstinate Impenitencie, but God is much dishonoured by their contemning of that his Ordinance: For Remedy thereof, the Estates of Parliament ratifie and approve all preceding Acts and Ordinances of Parliament against excommunicate Persons, ordaining the same to be put to due Execution; and, in respect of the Impenitencie of excommunicate Persons, and their Disobedience unto, and Contempt of all Ecclesiastick Discipline, do further statute and ordain, That, fourty Dayes being past after the Sentence of Excommunication, Letters bee direct for denouncing all excommunicate Persons his Majesties Rebels, and putting them to the Horn at the Instance of the Kings Advocate, the Proqutor for the Kirk, the Presbyterie, or other superior Kirk-Judicatorie interessed, or either of them, and that by Warrant of any of the Lords of Privie-Counsell or Session, which Letters shall be execute at the Market-Crosse of *Edinburgh* and Peir of *Leith*, and the Denunciation, used by vertue thereof in these Places, shall be sufficient against them, ordaining also Letters of Intercommoning and Letters

Against Papists and others excommunicate. 111

Letters of Caption to bee direct upon their Denunciation ; and that in the Execution of Caption all the Leiges concur and be assisting : Discharging hereby all Suspensions, Relaxations and Warrands whatsoever, for Liberty to excommunicate Persons, except they certifie by Writ that they have given full Obedience and Satisfaction to the Kirk, and made reall Payment of the Penalties they incurre by the 13th Act of the Parliament in the Year 1641. made against the excommunicate Persons : And the Estates of Parliament ratifies and approves all Acts of Convention and of Secret Counsell made against Jesuits, Papists, Priests and excommunicate Persons, and specially the Acts of Secret Counsell made against them upon the first of July 1642. printed the same Year, viz. concerning the Incapacitie of professed Papists refusing to communicate to have Place in publick Judicatories, or to bruike any Office in the Kingdome, or to have Access to the Court ; concerning the debarring of excommunicate Papists from Proceffe, and offering a Roll of their Names for that Purpose ; concerning the directing Letters of Treason and Intercommoning against excommunicate Papists, denounced Rebels, Recommendation to the Lyon for discharging Messengers suspect of Poperie, and refusing the Covenant. Recommendation to the Lords of Exchequer for the Escheats and Liferents of excommunicate Papists, and for observing duly the 13th Act of the Parliament 1641. and ane Ordinance that Husbands shall bee countable that their Wives shall not reser, supplie nor intercommune with Jesuits nor Priests, and that he nor she shall not be observed by Papists ; and that none shall bee admitted to their Service, but such as shall have a Testimoniall of the Soundnesse of their Religion from the Minister where they dwelt, under the Paines contained in the Acts of Parliament made against Resettlers of Jesuits, Seminary and Masse-Priests, and especially under the Paines contained in the said 13th Act of the Parliament 1641. Which Ordinance concerning the Receit of Jesuits and Priests, together with the remanent Acts concerning professed and excommunicate Papists, are hereby extended to all excommunicate Persons whatsoever respectively, ordaining the said Acts and Ordinances of Counsel to be put to due Execution accordingly.

Act

112 *Against Superstition and Popish Education.*

Act XXVIII. Discharging the Observation of superstitious Dayes.
18th March 1647.

THE Estates of Parliament, considering that the observing of Yule-Day, and other superstitious Dayes, is much occasioned by Coal-Hewers and Salters Flitting and Entrie at Yule; therefore they ordain, that the Termes of Flitting and Entry of all Coal-Hewers and Salters shall hereafter be upon the first of *December* yearly, discharging any Entry or Removal to be at Yule hereafter: Inhibiting also all and every one to observe the superstitious Time of Yule, or any other superstitious Dayes in any Manner of Way, and that under the Paines contained in the Acts of Parliament made against Prophanation of the Sabbath: And recommends to all whom it concerns to see this Act observed, and the Contraveeners punished in their Persons and Goods condignly.

Act XXXIX. Concerning the Education of Children under Popish Parents or Tutors. 26th March 1647.

THE Estates of Parliament, now convened in this sixth Session of the first triennial Parliament, considering how dangerous it is that Children be educate by Persons that are popishly affected, do therefore, conform to an Ordinance of Parliament at *St. Andrews*, ordain the Lords of Secret Councel, or the Committee of Estates, or either of them, upon the Representation of the particular Care by a Presbytery, or other Kirk-Judicatorie, to provide and appoint a Way for the Education of Children that are under the Power of Popish Parents, Tutors or Curators, giving unto them full Power to take these Children from under the Charge of Popish Parents, Tutors and Curators, and to commit them to the Care of some well-affected religious Friend, to bee educate in Religion and Vertue, and to do every Thing necessar for their good Education: And farther, that Children doe not suffer in their Education abroad, the Estates of Parliament ratifie and approve the first and second Acts of the twentieth Parliament of King *James VI.* (and the sixth Act of the Parliament of King *Charles*, in the Year of God 1641. relating thereto) concerning Children that go out of the Kingdom, and

and sending Pedagogues with them, ordaining the same Acts to be carefully observed, and put to due Execution in Time coming.

ACTS done and past in the second Session of the second triennial Parliament holden at *Edinburgh*, and beginning the 4th of *January* 1649. and ending the 16th of *March* in the Year aforesaid.

Act II. For a solemn Fast and Humiliation, to be kept by all the Members of this Parliament, in relation to publick Sins and Breaches of Covenant; and for ther renewing the League and Covenant, and Engadgment to the Deuties therein contained, January 5. 1649.

THE Estates of Parliament taking to their serious Consideration the great Sinnes and Provocations of the Land, and the great Calametees and Distresses wherewith they have bene exercised, and which yet hang over their Heads; and being desirous to returne unto the Lord, by humbling themselves before him, with sincere Confession of their Sinnes, and Engadgment to doe no mor so, but to reforme ther Wayes, and be stedfast in his Covenant; and considering that, in relation to the generall Sinnes of the Land, the Commission of the Generall Assemblie appoints a solemn Acknowledgment of publick Sinnes and Breaches of Covenant, and a publick Engadgment to the Duties therein contained: Therefore the said Estats, in the Sence of their oune Sinnes, and of their Accession to the Breaches of the whole Land, do resolve, that all the Members of the present Parliament humble themselves in the Parliament-House, before the Lord, in a solemn Acknowledgment of their Sinnes and Breaches of Covenant, and engage themselves to a more strict Observance of publick Deuties, especially of those that relate to Dangers of the Tyme: And also, that they renew the Solemn League and Covenant according to the Order set downe by the Commission of the Generall Assembly. And that this may be performed with Fasting and Humiliation, and all other religious Deuties, and a Day set a-

part for that Purpose, the Earle of *Cassells*, and Sir *Archbald Johnston* of *Waristoun*, and the Provost of *Edinburgh*, ar to acquaint the Commission of the Kirk with this Resolution, and in Name of the Parliament to desire that some of their Number may preach in the Parliament-House, and administer to them the Covenant; and doe and order all other Things necessarie for so solemne and religious ane Action.

Act IV. Repealling all Acts of Parliament or Committee made for the late unlaussfull Engagement, and ratiffing the Protestation and Oppositione against the same. 16th January 1649.

THE Estates of Parliament, presentlie convened in this second Session of the second triennial Parliament, by Vertue of an Act of the Committie of Estates, who had Power and Authority from the last Parliament, taking to ther most serious Considerations (after so great Judgment and Deliverances on Gods Part, and after so solemne ane Acknowledgment and Covenant renewed on ther Part) the Acts of the last Session of Parliament, beginning the 2d of *March*, and ending the 10th of *Junij* 1648. and of the Comitty of Estates before *September* last, and the providing of the Forces raised by them in the first and second Levie, and these brought out of *Ireland*, and of the Committees of Warre in the severall Shires appointed by them, with the Grounds, Reasons, and Pretences therfor, whether contained in the King's Concessions at the Isle of *Wight*, or set down in ther Declarations, as in the fourth, seventh, sextine, twentie sex, twentie seven Acts of the last Parliament, and in the Declarations to the Kingdome of *England* emitted by the Committee of Estates the 28th Day of *Junij* last, when ther Army went unto *England*, in establishing, carrying on, and prosecuting the late Engagment against the Kingdome of *England*; and raising the first and second Levie, in pressing the same at home by unlawfull Hands and crule Plunders, and in rejecting of Wairnings, Petitions, Remonstrances from the Kirk-Judicatories, and from Shyres at home; and all Remonstrances and Offers of Treaty made from the Parliament of *England*, made by ther Commissioners, in refusing to declare the Kings Concessions at the Isle

of Wight unsatisfactorie to them; in trampling under Foot the Liberties of the Church at home, in invading the Kingdome of England, and surprizing of ther Towns, and marching through ther Counties, and associating with the malignant Party ther, in returning after their Defeat to Scotland, to renew ther Oppression in this Kingdome, and Invasion of England, and to that End in the raising of new Forces, sending Commissions to the classed Incendiaries of the Kingdome, who by standing Acts of Parliament were debarred from all Trust for ther joyning in ther late Rebellion, and in many other Wayes, Acts and Deeds prosecuting ther Designe at home and abroad; and considering the severall Offers and Desires made by the Commissioners of the Kingdome of England for continuing the Peace and Unyon, and the many earnest and humble Petitions from severall Shyres, and the most Part of provincially Synods and Presbyteries, and the just and necessary Desires, Remonstrances and Declarations of the Commissioners of the Church to the Parliament and Committee, with ther unsatisfactorie Answer thereunto, and the Papers past betwixt the late Generall Assembly and the Committee, and the Dissent and Protestations entered in the Parliament by a great Number of curie Estate, and that of such as hath bene most instrumentall and constant in this Cause since the Beginning: And withall, taking to their serious Consideration the manifold solid Reasons against the Engagement expressed in the Remonstrances of the Commission of the Kirk given unto the Parliament, and of the unanimous Declaration of the late Generall Assembly, and the Reply of the Commissioners, demonstrating from the Word of God the Unlawfulness of the said Engagement, and evidencing the many Breaches of Covenant and Treaties of Peace, the many Wrongs done to the Liberties of the Church, and Oppressions of the People of God, and many other unlawfull Ingridiences in the Mater, Maner, Nature and Effect of that Engagement, and therefore denouncing Gods Judgments against it, and warning the People to do ther Dutie for the Cause of God, and to the Covenant, against all Lets and Impediments. All which was seconded so speedily and immediately by God's own Hand, stirring up the Hearts of his consciencious People to the Resolution of opposing so great

a Defection from the Cause and Covenant; and by his performing the Counsell of his Messengers, and confirming the Words of his Servants in the Defeat of that Army and their Overthrow in *England*, with their Associates in *England*; as also in scattering of the Remainder of that Force returned unto *Scotland*, and joyned with those who, at home were enslaving this Kingdome, and in devesting them, with their own Consent by Treaty, (with so little Blood) of all outward Force and Exercise of State-Power untill the Determination of this Parliament. And the Estates pondring seriously the great Necessitie and manifold Reasons pressing the Protesters in Parliament, with the Assistance of the constant Covenanters throughout the Land, to make that Opposition in Armes, so trusted, directed and countenanced by Gods own good Hand upon them, as is more expressed in the Declaration of the Committee of Estates of the 7th of *October* last, and Information of the Kirk published to the View of the World upon the 9th of *October* last.

Therefore, and for many other Reasons and Considerations convincing them in their Consciences, that the foresaid Proceedings of the late Parliament and Committee, in the appointing and prosecuting that Engagement against *England*, and in oppressing of the Church in his Liberties, and of the good People throughout the Land in their Persons and Estates, and, which is most of all, in their Consciences, by Force and Violence, raising the People to Sin, after they had declared by their Petitions the same was against the Light of their Consciences, were unlawful before God, and against his Word, were Breaches of the Solemne League and Covenant, which, being an Oath to God so necessary, is not alterable by any human Authority; and of the Treaties betwixt the Kingdoms, and under Pretence for doing for Religion, for the King, for the Kingdome, and which, in few Monethes, hath more wasted the Substance of this Kingdome, and especially of the well-affected, then all our former Troubles, and hath led out a forced Multitude to Slaughter or Slaverie, with so great Reproach and Disgrace to the Nation, and occasioned a powerful Army to enter the Bowels of this Kingdome, in Pursute of their Enemies who had invaded *England*, to the great endangering of this Kingdome, and so laying the Land

Land open, and making it lyable to the Gilt and Misery of ane unjust and offensive Warr, drawing down Gods Judgments, and exposing us and our Posterity to the Invasion from our neighbour Kingdom, if God in his Providence had not remedied the same : As the Estates of Parliament have made before God ane solempne Acknowledgment of the publick Sins and Breaches of the Covenant, and a solempne Engagement to al the Duties therein contained, *namely*, those which doe in a more special Way relat unto the Dangers of these Tymes, that Gods Judgments drawn down upon the Nation by such a sinful Course, by a prevalent Party of the representative Body, may be recovered, and the lik in Tym comming prevented, so also that all Pretence of Law at Hom, for prosecuting of these Courses, and that all Pretence of Quarrell from Abroad against this Nation for the sam, may be taken away, and to testifie the firme Resolution and earnest Desire of this Kingdom to preserve inviolably the Union betwixt the Kingdoms, the Estates foresaids do hereby find and declare the Kings Concessions at the Isle of *Wight*, and late Declarations emitted by the Parliament and Committee to be unsatisfactory to them, and destructive to the Cause and Covenant, and doth disclame, condemne, annulle, repeall and declare to be void and of no Effecte, the Acts after mentioned, as being in themselves from the Beginning unjust and unlawful, and contrary to the Word of God, and Solempne League and Covenant, and large Treaty betwixt the Kingdoms. The fourth Act, intituled, Act anent the Resolutions of Parliament, concerning the Breaches of the Covenant, and Treaties betwixt the Kingdomes of *Scotland* and *England*, and Demands for Reparation thereof. The fixt Act, intituled, Act for putting of the Kingdom in a Postur of War for Defence, and constituting the Committee of War of the feneral Shyres. The seventh Act, intituled, A Declaration of the Parliament of *Scotland* to all his Majesties good Subjects of this Kingdome, concerning their Resolutions for Religion, King and Kingdomes, in preserving the Ends of the Covenant. The eight Act, intituled, Desires of the Parliament of *Scotland* to the Honorable Houses of the Parliament of *England*. The ninth Act, intituled, Act anent the Levies of Horse and Futt to be put out by the Shyres and Burghs, and the List of the Colonnells

nells with their Numbers. The Eleventh Act, intituled, A Letter from the Parliament of *Scotland* to the severall Presbyteries within this Kingdome. The eighteenth Act, intituled, Act anent the Oath to be taken by the Committee of War in the severall Shyres. The nineteenth Act, intituled, Act and Ordinance concerning the Garrisons within the Kingdome, for Provisions of the Forces thereof, and adding of the two Months Maintenance to the former Fine. The twentieth Act, intituled, Act for the raising of Troops. The twentieth third Act, intituled, Act ordering all Ministers to exort the People to the Obedience to the Lawes of this Kingdome, and assuring these Ministers of their Stipends during their Lyftymes. Act twentieth fourth, intituled, Act ordering the whole Members of Parliament, Noblemen, Barrons, Burgeses, and all other Subjects and Inhabitants of the Kingdome, to subscribe the Act for the Defence of the Lawfulness of this Parliament, and Obedience to the Acts thereof. The twentieth sixth Act, intituled, Act and Declaration of Parliament, and Answers to the Suppositions from Synods and Presbyteries. The twentieth seventh Act, intituled, Act and Declaration of Parliament, in Answer to the Petitions presented to them from som Committees of War of Shyres. And all other Acts, or Parts or Clauses of any other Act of the last Parliament published, and Grounds and Pretences thereof, in so far as they import the Approbation, Pursuance, or Furtherance of the late unlawfull Engagement: And this general Clause is declared to be als sufficient for repealing and annulling of them, as if the Tenor thereof wer heerin insert, wherwith the States dispence.

Siklike, the Estates annuls, rescinds and repealls, amongst the unprinted Acts, the Commission granted to the close Committee, concerning *Bernick* and *Carlisle*, against which divers Members of Parliament entered their Dissent and Protestation; the Commissions granted to *Duke Hamilton*, and other Officers of the Army; the Ordinances in favours of those that protested in *Fyfe* and *Haddington*; the Ordinances for giving Thanks to those who in their severall Shyres presented Petitions, or writ Letters for encouraging the Parliament to goe on in the Engagement; the Act anent the Colleg of Justice, and ther Collonell; the Act anent the Lord Co-

chrane,

chrane, Laird Garthland and Alexander Crawfurd, their going to Ireland; the Act anent the Magistrates and Councell of Glasgow; the Act ratifying the Acts of Committee made in the Recess of Parliament, and all other unprinted Acts, or Clauses of unprinted Acts, Grounds and Pretences thereof, in so far as they import the Approbation, Pursuance or Furtherance of the said late unlawfull Engagement: And this general Clause is declared to be als sufficient for repealling and annulling them, as if the Tenours therof wer heerin insert.

In lyk Manner, the Estates of Parliament condemns, annulles and rescinds all the Acts of the Committee of Estates, contained in the Table subjoined to this Act, and all other Acts, or Parts or Clauses of any other Acts of the said Committee of Estates, Grounds and Pretences thereof, in so far as they import the Approbation, Pursuance or Furtherance of the said late Engagement: And this general Clause is declared to be als sufficient for repealing and annulling of them, as if the Tenor thereof wer heerin insert, wherewith the said Estates dispence.

And in lik Manner doe annul, condemne and repeal, all Acts made and Deeds done by the former Parliament and Committee of Estates, contrarie to the Libertees of the Kirk, or anywayes encroching upon the sam; in particular those which follow. *First*, Ther emitting of Declarations, containing Things highly concerning Religion, not only without Aduice or Consent of the General Assembly and ther Commissioners, but contrarie to their expresse Desires, Supplications, Remonstrances and Declararions, declaring the sam to be dangerous and destructive thereto; especially the restoring the King to Honour, Freedom and Sasty without sufficient Security first had from him for securing of Religion, as is more fully exprest in the Desires and Representations of the Commissioners of the General Assembly. *Secondly*, The putting of an unsound Gloss in the Close of the Declaration of the Parliament upon the Covenant and Acts of the General Assembly, in those Things that concern our Deuty to the King, as is clearly holden forth in the Representation of the Commission of the Assembly. *Thirdly*, The making Provision for the securing of the Stipends of such Ministers as shall be constituted for their concurring in or preaching for unlawful Engagements against England. *Fourthly*, Ther grosse misrepresenting

ling of the Proceedings of the Commission of the Generall Assembly, by the Parliament's Letter of *May* the eleventh to the severall Presbyteries, and endeavoring to incense them against the Commission of the Generall Assembly, and to prepossess with Prejudices the Commissioners to the following Assembly. *Fifthly*, The taking upon them, in the Act and Declaration of the Parliament, commonly called the Band, to judge and determine such Things without Advice of the Kirk, wherein the Assemblys of the Kirk have a special Interest of an antecedent Judgment, as who are Enemies to Religion, and who not, and what are the most fit and necessary Remedees for preserving of the same. *Sixthly*, Ther depriving of the General Assembly and ther Commissioners of the Liberty of prenting, by putting an Inhibition to the contrarie upon Prenters under the Pain of Death, against severall Acts of Parliament declaring and constrening the Kirks Liberty and Privilege of Prenting: And siklike disclaims and condemns ther impious Usurpations, in caling in the printed Copies of the Causes of a solem universal Fast and Humiliation, indited by the Commissioners of the Assembly, and inhibiting of the Prenter to give any out of his Hands, thereby intending to interrupte the observing of the Fast, by the Want of Information of the Reasons and Causes thereof. And also annuls and repealls, disclaims and condemnes all and sondrie other Acts made, and Deades done by the said Parliament and Committee of Estates, or by their Authority, that may infer any Prejudice to Religion, or the Pour, Privileges and Liberties of the Kirk, which we are bound by so strong Bands and so solemne Obligations to maintain: And siklik annulls and rescinds all Acts of Committees of Shyres or Burghs-Royall, or of Regallity, Barrony-Courts, or other Judicatories whatsoever, made in Pursuance of that Engagement; and ordaines all the subscribed Coppies of the Band condemned by Generall Assembly, to be brought unto the Parliament or Committee of Estates, to be disposed of as they shall think fittest; and all other Acts, Grounds mor fully, and Prerences thereof, in so far as they import the Furtherance or Pursuance of the said late unlawful Engagement: Lykas, the Estates of Parliament, upon the manyfould above mentioned Grounds, more fully related in the Declarations of the Committee

mittee of Estates, and Information of the Kirk, being persuaded, that the Protestations of the Members made in Parliament, and their Oppositions since, by defensive Armes, for the Safty of the Covenant, Cause and themselves, from Ruine, against so great a Defection carried on with so great Oppression; and their Proceedings in the Treaty at *Stirling*, divesting the Engagers, with their own Consent, of Power and Force which they had in their Hands, and their Assurance given by the Act of the 6th of *October*, to the Kingdome of *England*, for debarring of the Authors and Abettors of that Engagement from Places of publick Trust or Power without their Consent, which was demanded by ther Forces as the least Satesfaction and Security before ther Removall, and ther Proceedings by publick Acts in the Pursuance of these two Treaties, to seclude those who had concurred in the Engagement from Power in Judicatories, Armees or Places of Trust untill the Determination of a Parliament, wer Lawes in themselves, and necessary for them according to the Condition of Affaires: Therefore the Estates of Parliament do allow, approve of and confirme the Dissent and Protestation made in Parliament by many faithful Members of each Estate, wherof the Tenour follows: Whereas the Draught of a Declaration hath bene read, concerning the Breaches of the Covenant, in Matters of Religion, and the Demands to be made for Remedy and Reparation therof; the Dangers to Religion, and the Duties whereunto we are obliged by Covenant, for Reformation and Uniformity in Religion, and the Security to be had for the establishing the same, upon which Grounds also a War is founded: And whereas we haue earnestly desired and insisted, that there may be no Proceedings to any Determination concerning the said Declaration, besfor the Commission of the Generall Assembly be first consulted therein, we do hereby enter our Dissent from proceeding to the Determination of Matters so highly concerning Religion, without the Advice and Concurrence of the Kirk, as a Preparative of most dangerous Consequence to Religion, and destructive to the Liberties of the Church; as contrarie to the National and Solemne League and Covenant, and to the known Lawes and constant Practise of this Kingdome: And we doe protest, that we may not be included in any such Vote or Resolution, but
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may be free of all the Giltyness, Confusions, Distractions and Evils whatsoever that may follow thereupon to Religion, the King, this Kirk and Kingdome, and the Union betwixt the Kingdoms:

And sicklik allowes the rising of such Shyres and others who joined in Armes for opposing of the said Engagement, and rescuing the Kingdom from the Oppression of the Forces under the Command of the Earle of *Crawfurd*, Earle of *Lareri* and *George Munro*, and ther Proceedings in Pursuance thereof: And also ratifies the late Treatie at *Stirling* and *Edinburgh*, upon the 26th and 27th of *September* last; and sicklyk allows the Treatie and Engagement to the Kingdome of *England* by ther Answers of the 6th of *October* last, and the Act for debarring of the Engagers from publick Trost in this Kingdome without their Consent; sicklik the two Acts of Committee of the 22d of *September* and 4th of *October*, and the Act of the 9th of *November*, all made for debarring of those who concurred in the late Engagement, from the Exercises of publick Places or Trost until the Determination of this Parliament: Likways the Declaration of the Committee of Estates, concerning ther Proceedings in Opposition to the late unlawful Engagement against *England*, of Date the 27th of *October* last, published to the World; and the Act of the said Committee for making of the publick Acknowledgment, and renewing of the Covenant, and the Act of the Committee of the 14th of *October* last; all which the Estates of Parliament, as is aforesaid, doe allow, confirme and ratifie in all the Heades, Clauses and Articles thereof; and this general Clause is declared to be als sufficient for ratifying and confirming of the saids Acts and Clauses thereof, as if the Tenors of the sam wer heir particularly insert, wherewith the Estates forsaids doe hierby dispence.

Follows the List of the Acts of the Committee of Estates for advancing the Engagement. Act for displacing of such of the Committee of Warr as wold not tak the Oath; Act for sending the Fourty thousand Pounds for *Ireland*; Warrant to quarter upon the Deficients in the unlawful Engagement; Letters to several Shyres for advancing the Levie; Letters, Commissions, Desires and Answers for bringing the Forces out of *Ireland*; Warrant for imprisonning the Magistrates and Counsell

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Counsell of *Glasgow*, for ther Deficiencie in the Levie; the Oath to be taken by the Committee for maintnering the Proceedings in Parliament; Approbation of the Earle of *Calender* and General Major *Midstone*, for ther base, cruele and unnatural Proceadings against the honest and consciencious People that mer at *Mauchlen Moore* for their own Defence, whilk was not done without the Baseness and Treacherie of som Protection to the Captain of *Glanronald* and *MacLene*, excommunicat bloody Rebels; Act for stoping of Printing, notwithstanding of the Kirks Liberty; Letter to the Army in *Ireland*, to proceede against those that refused to obey their Orders for the Engagement, as Enemies to Religion, King and Kingdomes; Warrant to Duke *Hamilton* to garrison the Houses of the best affected in the West; Warrant to the Marquis of *Argyle* to delyver *Lamond*; Commission to the Earle of *Crawfurd* to command the Forces that cam out of *Ireland*; Act for drawing Dittays against the Ministers, and for Continuation of their Process untill a new Citation; Commission to Sir *Robert Douglass* of *Blackstone* (a prime classed Malignant, for having Hand in the Rebellion of *James Grahame*) to uplift the Fynes of the honest Men in the West for being at *Mauchlein-Moore*; Commission to young *MacLene*, who had bene in the Rebellion, to be a Collonell; Declaration anent the Lord *Iuchiquin* and his Army; Warrant to Duke *Hamilton* to invade *England*; the Declaration of the Committee of Estates anent the Necessity of invading *England*; Act for repaying Moneys advanced for the Engagement; Letters to *Lambert* to joine with Duke *Hamilton's* Army; Warrant to Mr. *George Haliburton* to borrow Money in *England* upon publick Faith unlimited; Letters to the King and Parliament of *England*, shewing their Intentions in the Engagement sent with Mr. *George Haliburton*; Act taking off Sir *John Drummond's* Restraint; Commission to *Lauderdale* to secure *Berwick*; several Answers of the Committee of Estates, and Messages to the Generall Assembly most unsatisfactory; Protection of *Patrick Lesly* from the Censure of the General Assembly; Imprisonment of *Greenhead* and Collonell *Scot*; Approbation of the Lord *Cochran* and Laird of *Garthland's* Proceeding in *Ireland*; Act allowing twentie thousand Pounds to Lord *Cochran* and Laird of *Garthland*; Act for the Levie of On thousand five hundred Horse, under
Pretext

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Pretext of ane Gaird to the Prince ; Commission to *MacLachlan* for ane Garrison to the House of *Innerlochie* ; Warrant to levie Troups for advancing the Engagement ; Commissions to *Duke Hamilton* to be Governour of *Berwick*, and the Earle of *Salender of Garlile* ; Precept to General Major *Robert Monroe* for ane thousand Pounds Sterling ; Warrant to the Commissioners to deliver Victuall to *Seaforth*, *MacLene* and *MacDonnald*, who wer in the former Rebellion, for entertering of their Force ; Warrant to discharge the Garrisons of *Dewart*, *Moy*, and others, whereof the Marques of *Argyle* had the Keeping ; Commission to *MacConnel* to depute another in his Place, himself and all his Friends being in Rebellion ; *MacConnel* discharged of his former Rebellion, and employed without finding Caution ; Act pardoning *MacLene*, notwithstanding of the Acts of the 3d and 8th of *February 1648*, wherby he is declared to haue forfeited their Pardon ; Charge to the Marques of *Argyle* to delyver *Lamond* under the Pain of Rebellion, and his Eschete to fall ; Warrant for removing all out of the *Abbey* ; Act approving the catchiring of *Sir Dougald Campbell* of *Auchinbreck* and *William Campbell* from their Places in *Argyles* Regiment, and placing others therein, for their Not-concurrence in the Engagement ; Act discharging the Presbytery of *Linlithgow* from ther Exercise of ther Calling in admitting a Minister, and ordaining the Kirk-Doors to be locked ; Letters relating to the Engagement ; Letter for raising the *Athole* Men who had bene in the Rebellion ; *William Gordon* of *Mouymore*, ane active and bloody Instrument in the Rebellion, set at Liberty freely ; Warrant for publishing the Committees Observations, Princes Declaration and Information of publike Proceedings ; Earle of *Arelie* discharged of seventeen Months Maintenance ; the Petition from the Committee of *Sterling-Shyre*, anent their Ministers committed ; new Commissions and Warrants to Earle of *Seaforth*, *MacLeud*, *Sir James MacDonald*, contrary to the standing Acts of Parliament ; Commission to the Earle of *Lanerk* to be General ; severall Letters expressing they wold not leave and outlive that Engagement ; *Lauderdaills* Instructions to bring forane Forces out of *France*, *Holland*, or elsewhere ; Letters to the Cardinal of *France* ; blank Commission to *Lauderdaill* ; Warrant to engage the publike Faith of

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the Kingdom for Money abroad; and for Armes and Ammunition; a strick Union with *Holland*; for assisting the Prosecution of the Engagement; Promise to restore the Queen; *Landerdails*; Instruction to the Prince; Letters to the Queen inviting hir to returne and to interpose; Letters to the Prince of *Orrang* and States of *Holland*, requiring forring Assistance; Commissions to the Earle of *Seaforth*, Sir *John MacKenzie*, and all other Commissions for leveing Forces; Act made at *Stirling* and other Places, for bringing out all betwixt sixtie and sixteen for their Assistance; Act for giving to Sir *Harry Gibb* Two thousand Pounds *Sterling*; Commission for *Imercauld* his Regiment and Watch; Act for Assignments upon severall Shyres for Maintenance and Exeise, and especially *Air* and *Galloway*, and all others in that Kind; Disposition of Forfaultry of *Midkeltoun*; Warrands to admitt to the Committees of War those that wer in the first and second Classes; Act for repaying Mony that was disbursed for the Engagement; Assignation of the Exeise to Captane *Maine* and Mr. *Mauld*; all other Acts done by those Members of the Committee who had taken the Oath befor or after the first of *September* at *Stirling*, or any wherels, in prosecuting of the said Engagement and Opposition to the covenanted Forces risen in defensive Armes, and ordains the same presently to be published at the Mercat-Cross of *Edinburgh*, and thereafter to be printed.

Act VII. Concerning the Returns of the Estates of Parliament upon the Testimony communicated unto them by the Commissioners of the Generall Assembly, and their Concurrence with the same. 18th January 1649.

THE Estates of Parliament, presently convened, taking to ther most serious Consideration, the selsonable Testimony against Tolleration, and the present Proceeding of the Sectarees and ther Abettors in *England* in reference to Religion and Government, with an Admonition and Exortation to ther Brethren ther, from the Commissioners of the General Assembly of the Kirk of *Scotland*, communicated unto them by you; and pondring the present sad and strange Condition of Affaires in ther nyghbour Kingdome of *England*, represented therein, and in severall other Peapers com to ther

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Knowledge, they do return unto you ther herty Thanks, both for your good Correspondence, which this Parliament will with all Cheerfulness entertaine, and for your great Care and Faithfulness in giving such necessary and seasonable Warnings and Testimonys against the Dangers of the Tymes, on all Hands, at all Oocations; and doe hertily concurre in the Grounds thereof, against Tolleration and the present Proceedings of Sectaries in *England*, in reference to Religion and Government, and in the Admonitions and Encouragements so fully expressed in the said Paper; and doe most willingly adde this our Testimony thereunto, that our Brethren in *England* may be the more moved by the Mouth of two Witnesses, and especiallie such as together with them stand and fall, and are covenanted with them for mutuall Good, to lay these Things to Heart, and to abstene from all such sinful and dangerous Courses; and the faithful not to faint under these Afflictions, or to omit any necessary Testimony or Duty against the Corruptions of the Time; and because ther hath been severall Aspersions published in printed Pamphlets, for the strengthening the Hands of those who goe on in these sinful Courses, and for discouraging the Hearts of those who are suffering under them: Therefor the Estates of Parliament, after diligent Inquirie at all the Members of this Court, upon ther publick and solemn Oath, both concerning themselves and others, do declare, and can assure ther Brethren at *England*, that they cannot find, that either this Kingdom, or any Person thereof, hath any Knowledge of, or Accession to the late Proceedings of the *English* Army in relation to the King's Person, or the Houses and restrained Members thereof, but are very confident ther is no Ground for such Aspersions: On the other Hand, so soone as this Parliament was convened and constituted, and hard of the present Posture of Affairs, they being nowayes satisfied with ther Proceedings, and the Reasons thereof published to the World: And being convinced of the dangerous Consequences thereof, and Calamities lickie to follow therupon, they did give present Instructions to ther Commissioners, upon many Reasons founded on the Obligations and Declarations made betueene and by both Kingdoms, of which the Matter of Fact is fully

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Against the Sectaries and their Proceedings. 327

expressed by, in the Paper given in by our Commissioners on the sixth of *January* instant, to the Speaker to the House of Commons, in our Name, and according to our Mynd, and heerwith communicated to you, to press a Delay of all those Procedors against the Kings Person, the Princes Right of Succession, or the fundamental Government of the Kingdome, until this Kingdome were hard to represent ther Interests and Desires; and, in case of ther Refusal, that they should enter, in the Name of this Kingdome, a Dissent and Protest, That as this Nation is free from all Knowledg of, and Accession of these Designes and Practises, so they may be free of all the Calamities, Miseries and Confusions which may follow thereupon to these distracted Kingdoms; and as our constant Resolution and earnest Desire, to preserve inviolably the Peace and Union betueene the Kingdoms, will evidently appeare to any who will read (besides all our former Actions and Sufferings for it) our Act of approving the Indiction of this present Parliament, and our Act in repealling all past in the last Parliament or Committee of Estates for the late unlawful Engagement against *England*; and as you are Witness of our keeping a solemn Day of Humiliation, not only for our oune Sins and Miseries, but also for the Sins and Distresses lying on our deare Brethren, and for seeking the Lords Directions to us, that we may know and perform al the Deutees which the Lord requires of us at such a Tyme, after such Judgments and Deliverances on his Part, such an Acknowledgment and renewed Covenant on our Part, not only in relation to our oune Affaires at home, but also to what may concern Religion, King, and Kingdoms, according to the Solemne League and Covenant in these united Nations: So we, with Gods Assistance, declare that it is our constant Resolutions, to give all selsonable Testimony, and doe all necessary Dutees within our Pour and Calling, for the Preservation of the begun Reformation against Tolleration of all Religion, and of the fundamental Government against Anarchy and Confusion; and for continuing and preserving the Peace and Unyon betueene these Kingdoms and all the Bands therof, so often acknowledged and expressed in ther Treaties, especially on King, on Covenant, on Religion,

gion, and for the Observance of the manyfould Declarations emitted betwene and by both Kingdoms to the World, in the positive and necessary Duties, for pursuance of all the Ends of the Solemn League and Covenant, and to this Effect we ar and shall be most ready to do all, and interpose in all Earnestnes and Sincerity of Heart; and by all lawful and necessary Means, with all whom it may concern, for settling Trough and Peace in these Kingdoms, upon the Grounds and Propositions so often agreed unto, and so long insisted upon by those tuo Nations, and upon what further shall be fund safe and necessary for the removing of those Distempers, and preventing new Issues of Blood, Calamityes and Confusions in those Kingdoms, which the Seatcher of Hearts knoweth to be the earnest Desire and firme Resolution of this Kirk, Court and Kingdom.

Act VIII. Of Classes for purging the Judicatories and other Places of publick Trost. 23d January 1649.

At Edinburgh, the 23d Day of Januarij 1649 Yeares.

THE Estates of Parliament, presently convened in this second Session of the second trienniall Parliament, by Virtue of ane Act of the Committee of Estates, who had Power and Authority from the last Parliament for convening the Parliament, considering that, forasmekle as the late Committee of Estates did, in the Indiction of the Parliament, by ther Act of the 27th of *October* last, declare and warne as after follows, to witt, That whereas the Corruption of Judicatories in this Kingdome, and Officers of Estate, and other Persons in publick Trost, haue bene the Cause and Fountane from whence our former Evill hath proceeded; and whereas, by our solemne Acknowledgment, agreed upon by Church and State, we are bound to God, by our Engagement to *England* we are bound to them, and, by the forsaide publick Declaration, we are obliged, before the World, to endevore the Purgation and Reformation of our Judicatories, and Places of publick Trost. And forasmekleas the foresaids Persons, and all who are in publick Trost, ar lyable to the Judgment and Censure of Parliament for ther Procedur in their severall Places and Offices

Warning by the Committee of Estates. 128

lices. Lykas, by the Agreement at *Edinburgh* and *Stirling*, al such as haue bene employd in publick Places and Trust, and haue bene accessory to the late unlaifull Engagement, should forbear the Exercises of ther Places in the mean Tyme; and all Questions ar referred to the Determination of the Parliament: And whereas by the said Treaty all those who haue bene accessory to the said Engagement ar chalengable for the said Accession, at the least in so far as concerns ther Places and publick Trust, and the debarring of them from any of these: Therfor the Committee of Estates doe heerby warne, and cite all and every on of those who exercised any Office, Place, or publick Trust, or who wer Members or Clerks of any publick Judicatories of whatsoever Degree, Quality or Condition soeuer, in Burgh or Land within this Kingdome, and hath bene accessory to the late Engagement, or ar guilty of the Faults mentioned in the printed Acts of the 22d of September and 4th of October, to compear before the Estates of Parliament at *Edinburgh*, the 4th Day of *Januari* next to come, in a peaceable Way, accompanied only with their oune domestick Servants, to heare and see the Parliament tak such Course as they in their Justice and Wisdome, for the Good of the Kingdome, shall think fit, for purging of the Judicatories, and for declaring their Places vacand, and filling them with such as ar able and qualified Persons, fittest for the Service, and may giue most Contentment, and as haue continued constant in the Covenant and Cause in the Time of Tryall, and for debarring them who are put out from any publick Places or Trust, during such Tyme and in such Maner as the Estates of Parliament shall think fit; with Certification to every on of those Persons concerned, as is above said, and wairned by this publick Proclamation, which the Committee of Estates declares that they find it a sufficient Intimation, in this notur Case of so great and publick a Backsliding, to all Persons concerned therein, for the Effect foresaid, to be esteemed by them equivalent to a personal Citation, or at ther Dwelling-House, upon particular Summons against every on of them, to compear befor the Estates of Parliament, as is before said, and compear not, that then the Estates will proceed both to determine the generall Question and the particular concerning their Places and Trust, and tak what further

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Course, they shall think fitting for the Good of the Kingdom : And forasmuch as the Estates of Parliament, being now convened, have ratified the foresaid Act in all the Heads thereof, and by open Proclamation intimate the same : Lykas, they have made their solempne Acknowledgment of the publick Sins and Breaches of the Covenant, and their solempne Engagement to all the Duties contained therein, namely these which doe in a more speciall Way relate to the Dangers of those Tymes, and in relation thereto, have renewed their Solempne League and Covenant before God, and, by their Act of the 16th of *January* instant, have disclaimed and condemned the late unlawfull Engagement as contrary to Gods Word, and a manifest Breach of Covenant and Treaties, as destructive to the Cause and Covenant, to Religion, the King, and these Kingdomes, and is the Cause of all the Oppressions and Miseries that hath followed or may follow thereupon : And therfor, and for many other Reasons, have annulled and repealed all Acts made by the late Parliament and Committee of Estates in Prosecution thereof and have ratified and approved the Protestation in Parliament and Opposition made thereof by this Kingdom against the Authors and Abettors thereafter, and the late Treaty made at *Stirling*, debarring all accessory to that unlawfull Engagement from their Exercise of their Places or publick Trust untill the Meeting and Determination of this present Parliament, unto whom all Civill Questions are referred : And lykwayes hath confirmed the Assurance given by the Committee unto the Kingdom of *England*, that we should not admit any of these Authors or Abettors of the late Engagement to any publick Place or Trust, without the Consent of that Kingdom against which their Engagement was, as is more fully exprest in their Answer of the 6th of *October* last : And whereas the Estates of Parliament are not only satisfied of the Truth, Lawfulness and Necessitie of the foresaid Grounds, but also are convinced in their Consciences, from the Word of God, from the large Treaty betwene the Kingdoms, and from their Oath of Parliament, from their Solempne League and Covenant, especially from the 2d, 4th and 5th Articles thereof, and from sad and deir bought Experience, that the malignant Dealing of some, and the profane Loose-walking of others, who have

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bene Members of Judicatories, and imployed in Places of Power and publick Trust, hath bene a cheefe Cause of all the Evills, both of Sinne and Punishment, under which the Land groanes; and that the Lord requires in his Word, that those who judge and beare Charge among his People, should not only be able Men, but such as fear God, hate Covetousnes, and deale trewly; and that it is of speciall Importance, for the Remeedee of all our Evills, and for securing and aduancing of Religion and Righteousnes, for keeping a right Understanding betuene the Kingdomes, and for prosecuting all the Ends of the Solemne League and Covenant, and for removing the Judgment of God, and preventing or disappointing all the Designes and Opposition of Ennemies of all Sorts, and for procuring the Blessing of God upon the whole Land, that Men, not only of known Abilities, but also of approven Integrity, and constant Affection to the Cause, and good and Christian Conversation, be intrusted in all Judicatories and Places of Power and Trust, according to the seventh Desire of the Commissioners of the Church, given in to the last Parliament, as so absolutely necessary for the securing of Religion, which by the Ingagers themselves, in the Treaty at *Stirling*, is submitted to the Church ther Determination; which Determination, anent the Qualifications aforesaid, is clearly set down in the 5, 6, 7, 10 & 12. Pages therof, the Acknowledgment and ther Declaration emitted to the World.

Therefore the Estates of Parliament, remembring weell the laudable Precedents of the Parliament 1641. and 1646. and several others, for Purgation of the Judicatories and Places of Trust; and considering, that all Persons, both by the comon Law, by many Acts of Parliament, and the Nature of ther Place and Trust, ar comptable for their Proceedings in ther severall Places and Trust which they haue *ad vitam aut culpam*; and considering how great a Fault it is to haue had any Hand or Accession in the enacting or enforcing or prosecuting so unlaifull ane Engagement, therby drauing on the Land, so far as they could, the Wrath of God, and all the Miseries of a War with our Brethren of *England*, against Covenant, Treaties, and many Warnings from the Kirk and Contry, to the Petitions from many Synods,

nodes, Pretbyteries, and Shyrs, and the solempne Acknowledgment, Performance of ther Vowes to God, Declaration committed to the World, and Assurance given to the Kingdom of *England*, both in the large Treaty 1641. and late Answer 6th *October* last, for satisfieing of the Kirks just Desires, for Purgation and Reformation of our Judicatories, and for Determination of this Question anent Places of Trust, referred by the Treaty at *Stirling* to their Determination, and for deterring all others in this or subsequent Generations, who shall be intrusted with publick Power or Place, from drawing on this Nation the Guiltines and Misery of an offensive War, and against Covenant and Treaties, and publick Warnings from Church-Judicatories and Shyres, and for encouraging all who shall be in publick Place or Trust in Tymes of new Straits and Tryalls, to abyd constantly by the Cause and Covenant, and to giue evident Testimonies therunto against all Defection and Apostasie: The Estates of Parliament, upon this and many other greate and weghty Considerations moving and pressing them to this necessary Duty, doe therefore declare, enact and ordain, That al those Officers of Estate, Members or Clerks of the Parliament, Committees therof, Secret Counsell, Session, Exchequer, Justice-Courts, Sheriff-Courts, Stewart-Courts, Baillie-Courts, Commesars-Courts, Baillies of Regality-Courts, Wairden-Courts of his Majesties Mint-House, Admirall-Court, Gild-Court, Town-Counsell, or any other publick Judicatory, or Deacons of Crafts, and all who had any Office, Place, or publick Trust, and all having Deputation from, or Dependence upon any of those aforesaid, who were guilty of any of the Faults conteined in the four severall Classes after mentioned, shall be remoued and seclused from publick Trust, according to the severall Rules *respective* after following.

The First Classe.

The Estates declare all those to be comprehended in the first Class, who wer Generall Officers which led and accompanied the Army unto *England*, and all those Officers who continued in the Engagement who commanded in *Mauchles Moore* or at *Stirling*; and all those who were principally ac-

tiue in persuading or bringing over of the Forces from *Ireland*, and all these Persons who wer Plotters, cheefe Actors, and prime Promotters of the late unlaifull Engagement, from the Beginning to the End therof, in Parliament, Committees, or otherwayes. And sicklyk, all those who wer cheefe Actors and prime Promotters of the horrid Rebellion of *James Grhame*, and who since haue ather accepted of Charge, or joined as Voluntars in the said unlaifull Ingagement, or taken the Oath in Committees, or subfcriyved the Band, for themfelues or others, for the Engagement, or fat in the Committees or other Meetings, and gaue Order for prosecuting the said Engagement, or who otherwys gaue or receiued and execut Orders against others for prosecuting the Engagement; as also fuch Clerks of Parliament, Committees thereof, Seeret Counsell or Session, who wer gilty of any of the Faults contened in any of the Classes at *St. Andrews*, and re-teening ther former Principles of Malignancie, and haue bene actiue in their Places or Imployments for promouing the late unlaifull Engagement.

The Second Classe.

The Estates also declares al these to be comprehended in the second Classe, who, not being included in the first Classe, haue bene formerly classed or censured for Malignants, or gilty of the Crymes contened in the first and second Classe at *St. Andrews*, of the Date at *St. Andrews* the

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accepted of Charge, or joined as Voluntars in the said unlaifull Ingagement, or taken the Oath in Committees, or subfcriyved the Bond, for themfelues or others, for the Engagement, or fat in Committees or other Meetings, and gaue Order for prosecuting the said Ingagement, or who otherwayes gaue or receaved and execute Orders against others for prosecuting the Engagement: And sicklik all those Persons, altho' not formerly classed, and not being included in the first Classe, who wer Officers which wer upon any of the Expeditions into *England* or *Scotland* for the said Engagement: And sicklike al those who concurred in Petitions, Protestations,

tions, Remonstrances, or Letters for moving of the Parliament or Committees to carry on the Engagement: And sicklike al those who protest against the Cause of the Fast, or the Kirks Declarations, or Petitions of the Presbyteries or Kirk-Sessions against the Engagement, or read or caused read at Kirk-Dores the Committees Observations against the Assemblys Declaration, or interrupted diuine Service, or Majestrats, or Persons of Quality, or who remoued at the reading of the Assemblys Declarations: Sicklyke al those who not only took the Othe enjoined by the last Parliament for the Engagement, in Committees, or subscribed the Bond, or declared themselves ready to doe the same, but also seclused others, or protest against others for ther not taking of the Oath, or not subscribing of the Bond: Sicklik all those who enjoined and pressed others to subscribe the Bond, or tak the Oth for carrying on the Engagement: And sicklik al those who concurred as Members or Clerks in Acts of Parliament and Committee of Estates, for prosecuting the said Engagement, or for pressing others thereunto, and such who consulted and gaue Advice for pursuing or prosecuting of the Profess against the honest Ministers who were at *Mauchlen-Moore*, or any others, for ther opposing or not joining in the Engagement.

The Third Classe.

The Estates likewayes declares all these to be comprehended in the thrid Classe, who not being included in the first or second Classe, sat in Parliament and Committees of Estates, and took the Oaths forsaide for the Engagement, or sat as Clerks in any of these or any other Judicatorie, and gaue no publick Testimony against the said Engagement, carried on therin by ther Service, or wer anyway known to haue bene for the same in ther Judgment, manifested by ther Expressions and Actions; siklik all these Persons who haue taken the Oath forsaide, or subscribed the Bond for the Engagement, or who, in Committees of War or other Meetings, Town-Counsell or other Courts, haue refused or opposed the Desires of any Petitions from Shires, Presbyteries, Sessions, or other Kirk-Judicatories against the Engagement, or concurred in Acts to force the Dissenters, Petitioners, or others, to concur in

in the first or second Levies, or other Accession to the said Engagement, or with the Forces under the Earle of *Crawfurd*, Earle of *Lanerk*, Sir *George Monro*; and sicklike all such who wer ather Forcers, Urgers or Seducers of others to con-
curre in the said Engagement, or with the forsaide Forces;
And sicklike all these who except Commissions to be Officers, or joyned as Volunteers to the Forces under the Duck of *Hamelstone*, or the Earle of *Crawfurd*, *Lanerk*, or *George Monro*:
Lykas all Persons who in ther Speeches and Actions did evi-
dence ther Judgments for and Affection to that sinfull Course, or who in such a Tyme of Tryalle, after such Petitions from the Shires, and such Declarations and Warnings from the Church, evidencing to all the Unlawfulness of the Engage-
ment against Covenant and Treatie, did not give any Coun-
tinance to the Cause or Testimony of ther Judgment and Af-
fection against such a Defection and dangerous War, when and where they had the Opportunity to do it with others.

The Fourth Classe.

The Estates of Parliament in lik Maner declares all those to be comprehended in the fourth Classe, who being Mem-
bers of Judicatories, Clerks, and Persons of publick Trost, as a-
forsaide, ar given to Uncleannes, Bryberie, Swearing, Drucken-
nes, or Deceaving, or ar otherwayes openly prophane and
grossly scandalous in their Conversation, or who neglect the
Worship of God in ther Families: The Estates declares, en-
nacks and ordens, that all such Officers of Estat, Members of
any Judicatorie, Clerks, and others befor mentioned, and all
Persons in publick Place or Trost who ar guiltie of any of
the Faults before specified, contened in any of the four Clas-
ses befor set down, be presently removed by this Parliament,
or such Committees or Persons as shall be by them authorised
with Pouer to that Effect, from their Places and Offices, and
all other publick Trost mentioned in the Act of Classes at
St. Andrews, or which hes Deputation from, or Dependance
upon the fornamed Judicatories or Officers, without Pre-
judice of the Subscription of them in the mean Tyme, for the
Exercise of their Places conforme to the Treatates, and for-
mer Acts of Committee ratified in Parliament, and that those
Places

Places belonging to them *ad vitam vel culpam* be declared vacant, and filled with other Persons who have given reall Proffe of ther constant Affection to the Cause, and a good Conversation; and that those who heerupon shall be removed from ther Places and Offices, or heerby discharged fre medling thereafter in any Exercise, Bage or Benefete therof, under Pain of Confiscation of ther Moveables, Liferent of ther Estates, Imprisonment of ther Persons, being for ever declared incapable of the meanest publick Trust within the Kingdome: Lykas the Estates of Parliamt, upon the manyfold Grounds asoraids, doth declare, enact and ordein, that nen of these Persons, who are guilty of the Crymes contained in the first Classe, shall ever be cappable of, or admitted to any publick Office, Place or Trust asormentioned within this Kingdome, during all the Dayes of their Lyfitymes: Lykas they declare, enact and ordene. that none of those who are guiltie of any of the Crymes mentioned in the second Classe, shall be capable of, or admitted to any publick Office, Place or Troste asormentioned within this Kingdome for ten Years to come, and farther, untill they haue giuen sufficient Evidence of ther Change of ther malignant Principles and Practises, and of ther firme Resolution and Affection to promoue the Ends of the Covenant in all Tymes of subsequent Tryal, wherof the Judicatories of the Church and State *respectiue*, hauing Pouer for that Effect, ar to judge impartially as in Gods Sight, and therby haue giuen Satesfaction to the Kirk and to both Kingdomes, so far wrought by them, according to the Assurance giuen on the sixt of *October* last.

Lykas the Estates declares, enacts and ordains, that no Person who is guilty of any of the Faults contained in the thrid Classe, (excepting these that are after excepted) shall be capable of, or admitted to any publick Place, Office or Trost asormentioned within this Kingdome during five Yeares to come: And farther, untill they haue giuen sufficient Evidence of ther Change of ther malignant Principles and Practises, and of ther firme Resolution and Affection to promoue the Ends of the Covenant in all Tymes of subsequent Tryall, wherof the Judicatories of the Kirk and State *respectiue*, hauing Pouer for that Effect, ar to judge impartially as in the Sight of God, and thereby haue giuen Satesfaction to the Kirk and both Kingdoms, so far

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wronged by them; according to the Assurance given on the sixth of October last.

Excepting those who, before the Tyme of the promoting of the Engagement, wer known to have been honest in the Cause of God, and not malignant, and who wer knowne by ther Carriage to have bene against the Ingagement in their Judgment, and did concurre in petitioning, dissenting, protesting, or rising in Armes, or otherwayes did beare Testimony against it as they had Opportunity, and who not knowing the Nature and Drifte of the Band and Oath for the Engagement; which Persons forsaide, having the forsaide Qualifications, and giving Satesfaction to the Kirk, ar remitted till the next Session of the Parliament, at which Tyme, according to their Repentance and Carriage, they may be declared capable of publick Places and Trust, so far as the Parliament shall think them fit: Lykas the Estates declares, enacts and ordeins, that no Person contened in the fourth Classe shall be capable of, or admitted to any publick Place or Trust within this Kingdom for a Year to come; and further, untill they haue giuen to the Judicatories of Church and State *respectiue*, sufficient Evidence of ther Change of ther prophane and scandalous Life, and of ther firme Resolution and constant Endeavore for a good and Christian Conversation, whereof the Judicatories of the Church and State shall judge impartially, as in Gods Sight, and this without Derogation to the former Lawes made against the same.

Lykas it is hereby declared, That where any Persons ar excluded by the former Classe from the Exercise of the heritable Offices, that, during the Tyme of ther Seclusion, these Places shall be supplied by such Deputs as the Parliament, Committee of Estates, or others authorised by Parliament, shall appoint to serve therein for the Interim.

It is alwayes heerby declared, That this present Act shall not be extended to these Minors, who, being guiltie of any of the Faults asorfaide, shall, within three Months after the Publication herof, if they be within the Kingdome, and, if they be without the Kingdome, within the same Space after ther Returne to the Countrie, giue sufficient Evidence, to the Judicatories of the Church and State *respectiue* having Pouer for that Effecte, of ther Repentance, and of the Change of ther malignant

lignant Principles and Practises, of their firme Resolution and Indevore to promoue the Ends of the Covenant in all Tymes of subsequent Tryalls, and shall behaue themselves accordingly unto their Majority, and who within six Months after Majority shall ratifie the same.

It is declared, That this Act is without Prejudice to what further Censure the Estates shall think fit to infliect upon these who ar guilty of the Faults afor said, and hath not, by ther dew Acceptance of the Benefete of the Treaty at *Edinburgh* and *Stirling*.

The saids Estates declares, That they reserve to themselves the Consideration of such Persons as may fall under the Exception of the thrid Classe, and what shall be done concerning them in the Committees of War of the severall Shyres, when the Committees shall be nominat : And the said Estates ordains the Acte for said to be published at the Marcat-Cross of *Edinburgh* by an Herauld, having displayed Armes by Sound of Trumpet, and thereafter ordeins the samen to be printed.

Act XI. Against Consulters with Diuels and familiar Spirits; and against Witches and Consulters with them. 1st February 1649.

THE Estates of Parliament, now conveened in the second Session of this triennial Parliament, understanding that ther ar some Persons who consult with Divells and familiar Spirits, who, notwithstanding of the 73d Act of *Q. Mary*, whereby it is ordeined, That all Witches, Sorcerers, Necromaneers, and Consulters with them, ar to be punished with Death, do yet draue to themselves Impunity, because Consulters ar not expresly mentioned in the said Act, doe therefor, for further clearing therof, declare and ordein, that whatsoeuer Person or Persons shall consulte with Divells or familiar Spirits, ar lyable to the Pains contained in the said Act, and shall be punished by Death; and the saids Estates ratifies and approves all former Acts made against Witches, Sorcerers, Necromancers, and Consulters with them, in the whole Heads, Articles and Clauses thereof.

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Act XII. Against Fornecation. 1st February 1649.

THE Estates of Parliament taking in Consideration, that the Act made against Fornecation, in the first Parliament of King *James VI.* whereby it is appointed; That ilk Person that shall be convict of Fornecation, als weell the Man as the Woman, shall pay, for ther first Fault, the Soume of Fourtie Pounds, is becom in Disuetud in many Places of this Kingdome, and rendered ineffectuall, becaus on and the same Penalty is enjoined upon Persons of all Ranks and Quality, by which it coms to pass, that the forsaide Sin doth exceedinglie abound, unto the Dishonour of God, and Scandall of the Gospell: Therfor, for the better restraining and punishing therof, it is statute and ordeined, That whosoever shall heirefter be convict of the Sinne of Fornecation, shall pay for the first Fault, ilk Nobleman Four hundreth Pounds, ilk Baron and landed Gentleman Two hundreth Pounds, ilk other Gentleman and Burgeses One hundreth Pounds, ilk Farmer Twenty five Pounds, euerie other Person of inferior Quality Ten Pounds; and that these particular Penalties shall be doubled *toties quoties*, according to the Relapses and the Degrees of the Offence and Qualitie of the Offenders; and that the saids Penalties shall be exacted not only of the Man, but also of the Woman, according to hir Qualitie, and the Degree of hir Offence, the on without Prejudice of the other, and be deliuered to the Kirk-Session of the Parochin wher the Offender liues, to be imployed by them upon pious Uses: And the Estates of Parliament doth ratifie the forsaide Act of the first Parliament of King *James VI.* in all the other Heads and Clausies therof, declaring always, That those Things shall be without Prejudice of the Censurs of the Kirk.

Act XIV. Proclamation of Charles II. King of Greatt Britan, France and Irland. God saue the King.

5th Februarij 1649.

THE Estates of Parliament, presently conueened in the second Session of the second trienniall Parliament, by Vertue of ane Acte of the Committee of Estates, who had Pour and Authoritie from the last Parliament for conueening the Parliament, considering, That forasmuchas the Kings Ma-
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jestie who latelie reigned, is, contrarie to the Dissent and
 Protestation of this Kingdome, now remoued by a violent
 Death, and that, by the Lords Blessing, ther is left unto us
 a righteous Heir, and lausfull Successor, *Charles* Prince of
Scotland and Waiills, now King of *Great Britane, France and*
Ireland, we, the Estates of Parliament of the Kingdome of
Scotland, doe therfor most unanimousslie and chearfully, in
 Recognisance and Acknowledgement of his just Right, Title,
 and Succession to the Crowne of these Kingdomes, heerby
 proclame and declare to all the World, That the said Lord
 and Prince *Charles* is, by the Providence of God, and by the
 lausfull Right and undoubted Succession and Descent, King of
Great Britane, France and Ireland, whom all the Subjects of
 this Kingdome are bond humbly and faithfully to obey,
 maintein, and defend, according to the Nationall Covenant,
 and the Solemne League and Covenant betwixt the King-
 doms, with their Lives and Goods, against all deadly, as
 ther only righteous Souerane Lord and King. And becaus
 his Majestie is bond by the Law of God, and fundamentall
 Laues of this Kingdome, to reule in Righteousness and Equi-
 ty, for the Honour of God, the Good of Religion, the
 Wealth of his People, it is hereby declared, That, besor he
 be admitted to the Exercise of his Royall Pour, he shall giue
 Satisfaction to this Kingdome in these Things that concerne
 the Security of Religion, the Union betwixt the Kingdoms,
 and the Good and Peace of this Kingdome, according to
 the Nationall Covenant, and the Solemne League and Co-
 venant; for the which End we ar resolved, with all possi-
 ble Expedition, to make our humble and earnest Addresses
 to his Majestie: For the Testification of all which, we the
 Parliament of the Kingdome of *Scotland* publish this our
 new Acknowledgment of his just Right, and Title, and Suc-
 cession to the Croune of these Kingdoms, at the Marcat-
 Crosse of *Edinburgh*, with all usuall Solemnities in the lyk
 Cases; And ordeins his Royall Name, Portrait, and Seale,
 to be used in the publick Writings and Judicatories of this
 Kingdome, and in the Mint-House, as was usuallie done to
 his Royall Predecessors; and commands this Act to be pro-
 claimed at all the Marcat Crosses of the Royall Brughes within

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this Kingdome, and to be printed, that none may pretend Ignorance thereof.

God saue King Charles the Second.

Act XV. Anent securing the Covenant, Religion and Peace of the Kingdom, 7th February 1649.

THE Estates of Parliament, taking to their most serious Consideration the unhappy Differences between their late Sovereign and these Kingdoms, caused by the evil Councils about him, unto the great Prejudice of Religion, and long Disturbance of the Peace of these Kingdoms; as likewise the manifold Acts of Parliament, the fundamental Constitution of this Kingdom anent the King's Oath at his Coronation, which, judging it necessary that the Prince and the People be of one perfect Religion, appointeth, That all Kings and Princes who shall reign or bear Rule over this Realm, shall, at their Coronation, or Receipt of their Princely Authority, solemnly swear to observe in their own Persons, and to preserve the Religion as it is presently established and professed, and rule the People committed to their Charge according to the Will of God revealed in his Word, and the loveable Constitutions received within this Kingdom, and do sundry other Things which are more fully expressed therein: And withall pondering their manifold solemn Obligations to endeavour the securing of Religion and the Covenant before and above all worldly Intrests, therefor they do enact, ordain and declare, That before the King's Majesty who now is, or any of his Successors, shall be admitted to the Exercise of his Royal Power, he shall, by and attour the foresaid Oath, assure and declare, by his solemn Oath under his Hand and Seal, his Allowance of the *National Covenant*, and of the *Solemn League and Covenant*, and Obligation to prosecute the Ends thereof in his Station and Calling; and that he shall, for himself and his Successors, consent and agree to Acts of Parliament enjoining the *Solemn League and Covenant*, and fully establishing Presbyterian Government, the Directory of Worship, Confession of Faith and Catechisms, as they are approven by the General Assembly of this Kirk, and Parliament of this Kingdom, in all his Majesty's Dominions, and that

that he shall observe these in his own Practice and Family, and that he shall never make Opposition to any of these, or endeavour any Change thereof.

It is also declared, enacted and ordained, That before the King, who now is, be admitted to the Exercise of his Royal Power, he shall leave all Counsel and Counsellors prejudicial to Religion, and to the National Covenant, and to the Solemn League and Covenant, and give Satisfaction to the Parliament of this Kingdom, as it is now constituted, in what further shall be found necessary for the settling of a happy and durable Peace, Preservation of the Union between the Kingdoms, and for the Good of the Crown, and for his own Honour and Happiness, and shall consent and agree, that all Matters Civil be determined by the Parliaments of this Kingdom, and all Ecclesiastick Matters by the General Assembly of this Kirk: For the which Ends the Estates of Parliament are resolved to, make their humble and earnest Addresses to his Majesty with all possible Expedition. All which they find themselves bound to prosecute, and resolves not to recede therefrom, but to see the same really performed.

Likeas the Estates of Parliament discharges all the Lieges and Subjects of this Kingdom, to procure or receive from his Majesty, any Commissions, Patents, Honours, Offices, or Gifts whatsoever, until his Majesty give Satisfaction, as said is, under the Pain of being censured in their Persons and Estates, as the Parliament, or any having Power from them, shall judge fitting.

And if any such Commissions, Patents, Honours, Offices, or Gifts, shall be procured or received by any of the Subjects of this Kingdom before such Satisfaction, the Parliament declares and ordains all such Commissions, Patents, Honours, Offices, or Gifts, and all that shall follow thereupon, to be void and null.

Act XVI. Anent the Catechisms, Confession of Faith, and ratifying thereof. 7th February 1649.

THE Estates of Parliament, now presently convened in this second Session of the second triennial Parliament, by

Ratification of the Confession, Catechisms, &c. 143

by Virtue of an Act of the Committee of Estates, who had Power and Authority from the last Parliament for convening the Parliament, having seriously considered the Catechisms, viz. the larger and shorter Ones, with the Confession of Faith, with three Acts of Approbation thereof by the Commissioners of the General Assembly, presented unto them by the Commissioners of the said General Assembly, do ratify and approve the saids Catechisms, Confession of Faith, and Acts of Approbation of the same, produced as said is; and ordains them to be recorded, published and practised.

Act XVIII. Anent Remissions for Capital Crimes. 13th February 1649.

THE Estates of Parliament, now convened in the second Session of this second triennial Parliament, considering the exceeding great Abuse that hath crept in by granting Remissions and Respites to Persons guilty of Crimes which are ordained to be punished by Death, both by the Law of God and Law or Practique of this Kingdom; by which Remissions and Respites God's Law is presumptuously dispensed with, the Law and Practique of the Land made useles, the whole Land polluted with Sin, a Door opened unto the committing of many heinous Crimes without Fear, through Hope of Impunity, and the Lord provoked in his Wrath to plague the Land, and to do Justice upon the Inhabitants thereof, because of the Neglect of the Magistrate herein, do therefore statute and ordain, that no Remission or Respite shall hereafter be given or pass in favours of any Person or Persons that are punishable by Death, both by the Law of God, and by the Law or Practique of this Kingdom, and that, if any Remission or Respite shall be purchased and obtained by any such Person, or in their Favours, the same is hereby declared null and of no Effect, and that the saids Persons, notwithstanding of the said Remission or Respite, shall be proceeded against and punished by Death, according to the Law and Practique of the Land, and ordain the Justice General, and his Deputes, and all others having Power in Criminals, accordingly to proceed and do Justice notwithstanding of any such Remissions or Respites, and ordains his Majesty's Advocate,

cate, and others having Interest, to intent and prosecute Pursuits, to the final Decision of the same, against the Contraveners of the foresaid Act.

Act XX. Against Swearing, Drunkenness, Scolding, and other Prophanities. 13th February 1649.

THE Estates of Parliament considering, that, notwithstanding the laudable and pious Act made at *Perth* the 7th of *August* 1645. against Swearing, Drunkenness, and mocking of Piety, these Vices do still continue and increase in the Land, unto the great Dishonour of God and Scandal of the Gospel, do therefore, for Remedy thereof, renew the said Act, with the Alteration and Addition following, *viz.* That whosoever shall be found culpable of any one or other of the Vices mentioned in the said Act, by any Civil or Ecclesiastical Judicatory whereunto they are subject, shall, even after the first Conviction before any of the saids Judicatories, be liable unto the several respective Penalties mentioned in the said Act, and ordaineth the Act foresaid to have full Force, Strength and Effect in all the other Clauses thereof; and further, ordains the said Act to be extended and executed against Scolders, filthy Speakers, and Makers or Singers of bawdy Songs, and they made liable to the respective Penalties contained therein, according to the Quality of the Offenders, even after the first Conviction, as said is. And as for those who, after the fourth Conviction of any one of the saids Faults, do not yet amend, but prove incorrigible, the Conviction being represented by the Session or Presbytery to the Magistrate of the Parish appointed for lifting the Penalties, or Sheriffs of the Shyre, Lords of Secret Councill, or Magistrates of Burghs, the Estates ordains the saids incorrigible Persons to be put in Prison, there to remain ay and while they find Caution of their good Behaviour in all Time coming, under the Pains of 400 *L.* to ilk Nobleman; to ilk Baron 400 Merks; ilk Gentleman, Heritor and Burghers, 200 Merks; ilk Yeoman 40 *L.* ilk Servant 20 *L.* to be employed on pious Uses. And because healthing and scolding is occasioned by much Drunkenness, therefore the Estates of Parliament extend this Act, and the said Act at *Perth*, and the respective Penalties there-

in contained, against all those who, under whatsoever Name, or by whatsoever Gesture, drink Healths, or scolds, and motion the same, and urge others thereunto: And it is declared, that the executing of this Act shall be beside and without Prejudice of the Kirk-Censure.

Act XXII. Against clandestine Marriages. 13th February 1649.

THE Estates of Parliament, considering how necessary it is that no Marriage be celebrate but according to the laudable Order and Constitution of this Kirk, and by such Persons as are by the Authority of this Kirk warranted to celebrate the same, and that, notwithstanding hereof, sundry, either out of Disaffection to the Religion presently professed in this Kingdom, or being desirous to eschew the Censures of the Kirk, or to satisfy their Promise of Marriage formerly made to others, or to decline the Concurrence and Consent of their Parents, or others having Interest, or out of some other unlawful Pretext, do procure themselves to be married, and are married, either in a clandestine Way, contrary to the established Order of the Kirk, or by Jesuits, Priests, deposed or suspended Ministers, or any other not authorised by this Kirk, do therefore statute and ordain, That whatsoever Person or Persons shall hereafter marry, or procure themselves to be married in a clandestine and in orderly Way, or by Jesuits, Priests, or any other not authorised by this Kirk, that they shall be imprisoned for three Months, and, besides their said Imprisonment, shall pay, ilk Nobleman 5000 L. ilk Baron and landed Gentleman 1000 Merks, ilk Gentleman and Burges 1000 L. ilk other Person 500 Merks, and that they shall remain in Prison ay and while they make Payment of these respective Penalties above mentioned; which are hereby ordained to be paid to pious Uses, within the several Parishes where the saids Persons dwells, and that the Celebrators of such Marriages be banished the Kingdom, never to return therein under the Pain of Death. Likens the Estates ratifies the 8th Act of the Parliament 1641. made against these Parties who go to *England* or *Ireland*, and marries there, without Proclamation of Bands in this Country,

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and against the Order and Constitution of the Kirk thereof, with this Addition, That the Contraveeners shall be liable to the respective pecunial and corporal Pains mentioned in this Act, and that the pecunial Pains shall be applied to pious Uses : And ordains the Procurator for the Kirk to pursue before the Civil Judge the fulfilling of this, and Ordinance for the corporal and pecunial Pains above mentioned, but Prejudice always to the Kirk to proceed with their Censures against such Offences.

Act XXIII. Against scandalous Persons. 13th February 1649.

THE Estates of Parliament considering, that notwithstanding of the Act made at *Perth* in the Year 1645. concerning one or moe to exact the Penalties and inflict corporal Pains against scandalous Offences that are not capital, yet the same is ineffectual, because the Persons nominate for that Purpose, either will not accept of that Employment, or are negligent therein, or will not exact these Penalties, or inflict these Pains, without a new civil Process, therefore they do renew the former Act made at *Perth*, in all the Heads and Clauses thereof : And do further statute and ordain, That whatsoever Person or Persons shall be nominate and chosen for these Employments, after the Manner contained in the said Act, or by the Lords of Secret Council, upon Recommendation of the Presbytery or Session, if they shall refuse to accept of the said Employment, that Letters of Horning, upon the Desire of Presbytery or Kirk-Session, shall be given out against them, for charging them to accept thereof : And it is also ordained, That these Persons, that shall accept of the said Employment, shall, upon the Desire of the Session, sit with them, and, upon the hearing of scandalous Offenders convicted before them, by Proof or Confession, or upon the Sight of the Process of the Kirk-Session, subscribed under the Minister and two Elders Hands, when they themselves cannot be present, that they shall, without any new civil Process, exact the Penalties contained in the Acts of Parliament, and deliver them to the Kirk-Session, and inflict the corporal Punishments as is provided in the Acts of Parliament. And it is also ordained, That any of these Persons, who shall be pro-

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cessed by the Session or Presbytery for their Negligence in these Duties, shall, upon Complaint made and verified against them by the Session or Presbytery before the Lords of Secret Council, be syned or imprisoned by the saids Lords, not exceeding the Quadruple of the Penalty; and that this Act shall be extended, in the several Heads and Clauses thereof, to Magistrates in Burgh as well as Landward: And, because it is needful that the Person or Persons, who shall be chosen to these Employments, have inferior Servants and Officers for exacting the Penalties, and inflicting the corporal Punishments provided in the Acts of Parliament, therefore it is statute and ordained, That the tenth Part of ilk Penalty shall be given, at the Sight of the saids Persons, unto the saids inferior Servants and Officers, for Recompence of their Pains, in every landward Congregation.

Act XXIV. Against going of Mills, Kilns, Salt-Pans, or fishing on the Lord's Day. 13th February 1649.

THE Estates of Parliament considering, that notwithstanding of former Acts of Parliament made against going of Mills and Salt-Pans, and against Salmon-Fishing, and other servile Work, on the Lord's Day, yet the Sabbath is, in many Places of the Kingdom, profaned by doing of these Works in the Morning or Evening of the Lord's Day, do therefore statute and ordain, That whosoever shall work in Corn or Walk-Mills, dry in Kilns, work in Salt-Pans, or in Fishing, to be accessory thereto, or any other unnecessary Work, betwixt Midnight and Midnight on the Lord's Day, shall be liable to the Penalties contained in the respective Acts of Parliament made against Profaners of the Sabbath.

Act XXVI. For keeping the Judicatories and Places of Trust free of Corruption. 17th February 1649.

THE Estates of Parliament, taking into Consideration that the Lord our God requires that such as bear Charge amongst his People should be able Men, fearing God, hating Covetousness, and dealing truly, and that many of the Evils of Sin and Punishment, under which the Land grones, have

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have come to pass, because hitherto they have not been sufficiently provided and cared for; and being sensible of the great Obligation that lies upon them by the National Covenant, and by the Solemn League and Covenant, and by many Deliverances and Mercies from God, and by the solemn Engagement unto Duties, to advance Religion and Righteousness in the Land, and fill Places of Power and Trust with Men of approved Integrity, and of a blameless and Christian Conversation, and being convinced in their Consciences that there cannot be a more effectual Way for bearing down of Malignants, and suppressing of Profanity, and Iniquity, and Ungodliness, and rendering all the Laws already made, or hereafter to be made, forcible and effectual, for the Honour of God, the advancing of Religion and Righteousness, and the Good of the Lieges, than that all the Judicatories of the Kingdom consist of, and Places of Power and publick Trust be filled with able and honest Men, do therefore statute and ordain, That no Person that is malignant and disaffected to the present Work of Reformation and Covenants, and against whom there is just Cause of Exception, or just Ground of Jealousy, because of their Disaffection, nor any Person given to Drunkenness, Swearing, Uncleanpess, or any other scandalous Offence, shall hereafter be chosen to be a Judge, or any Office of Estate, or Magistrate or Counsellor in Burghs, Clerks, or Deacons of Crafts, or any Officer of any Army belonging to this Kingdom, or employed in any Place of publick Power or Trust within this Kingdom; and that all such as shall be chosen to be Judges, Officers of Estate, Officers of the Army, Magistrates, Counsellors in Burghs, Clerks, Deacons of Crafts, or employed in any Place of Power and Trust in this Kingdom, shall not only be able Men, but Men of known Affections unto, and of approved Fidelity and Integrity in the Cause of God, and of a blameless and Christian Conversation: And it is statute and ordained, That if any malignant or scandalous Person shall be chosen to be Judges, Officers, or employed in any of the Places aforesaid, or other Places of Power and Trust; or if, after they being called to be Judges, Officers, and employed in Places of Power and Trust, they shall make Defection to the Malignancy, as is aforesaid, or give themselves

to scandalous Offences, one or more, that this their Malignancy and Profanity conjunctly, or either of them severally, being proved against them, shall be a sufficient Cause to the Parliament of this Kingdom, or any having Power from them for that Effect, to keep back, remove or suspend these Persons from the Places of Power and Trust to which they are called, or in which they are employed, as their Faults and Crimes shall be found to deserve; but Prejudice always to all other Judicatories and Persons having Right, by the Laws of this Kingdom, thereto to purge and fill all Offices and Places of Power and Trust, within their respective Powers, according to the Tenor of this Act, who are hereby required and ordained to do the same, as they will answer thereupon to the Parliament, or any having Power from them in that Behalf.

Act XXVIII. Against the horrible Crime of Blasphemy. 17th February 1649.

THE Estates of Parliament, convened in the second Session of this second triennial Parliament, considering that hitherto there hath been no Law in this Kingdom against the horrible Crime of Blasphemy, therefore do statute and ordain, That whosoever hereafter, not being distracted in his Wits, shall rail upon or curse God, or any of the Persons of the blessed *Trinity*, shall be proccessed before the Chief Justice, and being found guilty shall be punished with Death. Likeas it is found, statute and ordained, That whosoever hereafter shall deny God, or any of the Persons of the blessed *Trinity*, and obstinately continue therein, shall, after the declaring of the said Obstinacy by the Kirk, be proccessed before the Chief Justice, and, being found guilty, that they be punished with Death.

Act XXX. Anent the Poor. 1st March 1649.

THE Estates of Parliament, now convened, taking to their Consideration the great Number of indigent and distressed Persons in the several Places of the Kingdom, and that they are exposed to great Misery, through the Want of a general and orderly Way of Entertainment,

to the Shame and Reproach of our Christian Profession, which obliges us to the Relief of poor Brethren, as being Members of the same Body, therefore, for Remedy hereof, the Estates hath thought meet to ordain, that every Parish and Presbytery shall be bound to entertain their own native Poor, in Manner following. That there shall be twice in the Year, at the first of *December* and the first of *June*, taken up in every Parish, in Burgh or Land, and Presbytery, a List of the Poor within the several Bounds *respectivè*; at which Time there shall be also a solemn Intimation to the Parish, and a Designation and Expression by the Contributors, what they will give every Month in Money or Victual, for a voluntary and charitable Contribution in every Parish for the Entertainment of these poor People, into the Number whereof there shall be no Persons received who are slothful, and able by the Labour of their Hands to win their own Livings; at which Time the Minister and Elders of the Parish, or such as they shall depute, and to whom they will give Power for that Effect, shall meet with the Presbytery, to the Effect they may compare the Burden of the Poor of every Parish; and if the common Good and weekly Contribution, and that yearly Benevolence, will not be sufficient to entertain these poor People, given up and listed as said is, then, in that Case, the Estates of Parliament hereby give Power to the Lords of Secret Council, or Committee of Estates, to grant Commission to such Persons as shall be recommended to them by each Presbytery, full Power, upon Oath, to impose a Stent on the several Parishes, according to their Ability and Wealth, for making up a competent Entertainment to the poor Persons aforesaid, with a tenth Part more for the Officers and Serjeants; which Stent, after it is divided upon the Parishes or Presbytery by the Commissioners having Power from the Council or Committee of Estates, as said is, the same shall be subdivided and stented, on the Heritors and others, by the Elders and Deacons of every Parish *respectivè*, with as much Equality as possible, wherein they are to have special Regard to lay the greater Proportion on these Masters that deal rigorously with Tenants, and thereby impoverish and put them to Beggary, and to deal the more favourably with these Masters who endeavour to maintain their Tenants, and deals charitably with them; and, in distributing

distributing of the Alms; special Regard is to be had to the Pious, and Distinction to be made betwixt such and the profane, deboist or drunken Sort; and it is declared, that Magistrates and Counsel of Burghs have hereby Power to stent within themselves: And the Estates of Parliament ordains general Letters of Horning and Poinding to be direct *gratis*, at the Instance of the Collectors appointed by the Presbytery for that Effect against the Disobedient, and them that refuses to make Payment of their Proportion, who are hereby ordained, in case of the Refusal, to make Payment of the Double within six Days after they be required, and discharges any Suspension to be granted thereupon: And siklike ordains every inferior Judge to give Precept of Poinding upon the said Stent-Roll, subscribed as said is, and to go themselves, or send their Deputes or Officers to poind thereupon, so soon as they be required thereunto, with Certification, if the said Judges fail, they shall be liable to pay the Double of the said Stent, and ordains the Council or Committee of Estates to give out Letters thereupon. The Estates of Parliament farther ordains the Elders of every Parish to take Notice of these, who, being able to work or win their Livings, give themselves to a Trade of begging, which Persons the Elders are hereby warranted to apprehend, and to put them upon Employments whereby the Country may be eased of an unprofitable Burden, and lawful Industry maintained through the Land; hereby ordaining that none be suffered to beg from House to House under Pain of Imprisonment, and other Punishments contained in the former Acts of Parliament. And because the Forerunning of Beggars and sturdy Vagabonds doth hinder the Expressions of Charity toward those that are truly indigent, therefore it is ordained, That none supply or reset the Vagabonds and sturdy Beggars, whether Men or Women, under the Pain of five Pounds *toties quoties*, to be paid by the Contraveener towards Maintenance of the Poor; and each Neighbour is hereby commanded to help one another in case such sturdy Beggars should offer to enter into their Houses against their Will; and the said Beggars, being apprehended by the Heritors or others, being inquired where they dwell, or where they were born, the Heritors hereby are ordained to take them to the
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next adjacent Judge or his Deputes, they being found in Landward, by the Sheriff to be convoyed to the next Sheriff, and, being found in the Town, to be convoyed from Burgh to Burgh, who are hereby ordained to receive them, and convey them from one Burgh or Shyre to another, untill they be brought to the Place where they were born; which Parish shall be obliged to receive and entertain them, as one of their own, with the rest of the Poor of the Parish; and in case they be found able to work, the said Parish shall furnish them Employment, and keep them on Work, so as they may be answerable for them, to the Effect they may not be permitted to wander over the Kingdom, as before; and if any Sheriff or Magistrate of Burgh refuse to receive them, and take them off their Hands who presents them, the said Sheriff or Magistrate shall be suspended from his Office by the Council or Committee of Estates, and pay the Sum of 40 L. and for the third Fault shall lose their Offices and Priviledges during their Lifetime; and when they come to the Place of their alledged Nativity, if they cannot clear their Birth there, that they be reckoned amongst the Supernumeraries following. Likeas the Estates gives hereby Power to any of his Majesty's Subjects to take and apprehend such idle and sturdy Beggars, and to employ them, or dispose of them to others, to be employed in Work for their Meat and Cloath allenary: And, for the better executing of this foresaid Act at one Time throughout all the Kingdom, they ordain the same to begin, in all Parts of the Kingdom, upon the first of *August* next to come, and from thence foreward to be duly prosecuted until the same take due Effect, with Power to the Council or Committee of Estates, in case any Impediment interveen, to appoint a new Day to this Purpose, as they shall think expedient; and if any that are aged, lame, blind, and weak, cannot condescend upon the Parish where they were born, (as being the Offspring of such Beggars as never had a constant Residence) these are to be kept amongst the Poor of that Presbytery where they are apprehended, until a List of their Names be sent unto the Council or the Committee of Estates, who are to have Power to divide and proportion these Supernumeraries amongst such Presbyteries and Shires in the Kingdom as have

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Against Idolatry and Beaters of Parents. 153

have least Burden, and are most able to bear them. Likewise the Parliament recommends to the General Assembly, or their Commissioners, to propound such Overtures as may repress the scandalous and godless Behaviour of these lewd Vagabonds, who hitherto hath been liable to no good Order of Discipline; and to the Effect this Act may be put in Execution, it is ordained and required, that every Presbytery make Account of their Diligence herein to the subsequent Synods, and the Provincial Synods to the General Assembly: And in case it shall happen, through the Providence of God, that any, through Burning, Shipwreck, Devastation, or any such like Accident, fall into Distress or Poverty, it is ordained that these having a sufficient Testimonial and Recommendation from the Presbytery to which they belong, they shall have the Supply of a voluntary Charity of these Places next adjacent to them, or such other Places as the Council or Committee of Estates shall think fit.

Act XXXII. Against the Worshipers of false Gods. 3d March 1649.

THE Estates of Parliament, considering that diverse of the Subjects of this Realm trades in their civil Affairs with Heathens, whose Abominations they may possibly learn, and thereby be defiled and defile others, and not willing to leave Sins of so high a Nature to an arbitrary Punishment, do statute and ordain, that whosoever shall worship a false God, shall be put to Death without Pardon.

Act XXXIII. Against Beaters or Cursers of their Parents. 3d March 1649.

THE Estates of Parliament, considering how great and atrocious a Crime it is for Children to beat or curse their Parents, and how the Law of God hath pronounced just Sentence of Death against such as shall either of these Ways injure either of their Parents, do therefore statute and ordain, That whosoever, Son or Daughter, above the Age of sixteen Years, not being distracted, shall either beat or curse their Father or Mother, shall be put to Death without Mercy; and such as are within the Age of sixteen Years to be

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punish.

punished at the Arbitriment of the Judge, according to their Deservings, that others may hear and fear, and not do the like.

Act XXXIX. Abolishing the Patronages of Kirks *. 9th March 1649.

THE Estates of Parliament, being sensible of the great Obligation that lies upon them by the National Covenant, and by the Solemn League and Covenant, and by many Deliverances and Mercies from God, and by the late Solemn Engagement unto Duties, to preserve the Doctrine, and maintain and vindicate the Liberties of the Kirk of Scotland, and to advance the Work of Reformation therein to the utmost of their Power; and considering that Patronages and Presentations of Kirks is an Evil and Bondage under which the Lord's People and Ministers of this Land have long groaned, and that it hath no Warrant in God's Word, but is founded only on the common Law, and is a Custom Popish, and brought into the Kirk in Time of Ignorance and Superstition, and that the same is contrary to the *Second Book of Discipline*, in which, upon solid and good Ground, it is reckoned among Abuses, that are desired to be reformed, and unto several Acts of *General Assemblies*, and that it is prejudicial to the Liberty of the People, and Planting of Kirks, and unto the free Calling and Entry of Ministers unto their Charge: And the said Estates, being willing and desirous to promote and advance the Reformation foresaid, that every Thing in the House of God may be ordered

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* By *Act 7. Parl. 1640.* intitled, *Act for planting of Kirks unprovided with Ministers through the Patron's Default*, the Parliament do require the Presbyteries, with Consent of the Parish, with all Diligence, to plant the Kirks, which, by the Patron's Oversight, had lien six Months unprovided. By *Act 9. Parl. 1641.* intitled, *Act anent non-covenanting Patrons*, is ratified *Act 9. Parl. 1. Ja. VI.* recorded, p. 12. and *Act 3. Parl. 20. Ja. VI.* and the same extended to all who refuse to subscribe the National Covenant; and it is ordained, that, until Patrons subscribe the Covenant, they have no Right of Presentation to Kirks vacant, but the same shall pertain *pleno jure* to the Presbytery: And by *Act 16. Parl. 1646.* intitled, *Anent non-covenanting Patrons*, the Act last mentioned is extended to such Persons as subscribe not the Solemn League, or that are or shall be excommunicate, 'Providing that these Kirks be planted according to the Propositions of Ordination of Ministers agreed upon by the Assemblies of both Churches, and ratified by the Parliament of this Kingdom.' But what these Acts do in Part, is more effectually provided for in the Act here insert.

according to his Word and Commandment, do therefore, from the Sense of the former Obligations, and upon the former Grounds and Reasons, discharge for ever hereafter, all Patronages and Presentations of Kirks, whether belonging to the King or to any laick Patron, Presbyteries, or others, within this Kingdom, as being unlawful and unwarrantable by God's Word, and contrary to the Doctrine and Liberties of this Kirk, and do repeal, rescind, make void and annull all Gifts and Rights granted thereanent, and all former Acts made in Parliament, or in any inferior Judicatory, in favours of any Patron or Patrons whatsoever, so far as the same doth or may relate unto the Presentation of Kirks. And doth statute and ordain, That no Person nor Persons whatsoever shall, at any Time hereafter, take upon them, under Pretext of any Title, Infeftment, Act of Parliament, Possession or Warrant whatsoever, which are hereby repealed, to give, subscribe, or seal any Presentation to any Kirk within this Kingdom; and discharges the passing of any Infeftments hereafter, bearing a Right to Patronages, to be granted in favours of these for whom the Infeftments are presented; and that no Person or Persons shall, either in the Behalf of themselves or others, procure, receive, or make Use of any Presentation to any Kirk within this Kingdom. And it is further declared and ordained, That, if any Presentation shall hereafter be given, procured or received, that the same is null and of none Effect, and that it is lawful for Presbyteries to reject the same, and to refuse to admit any to Trials thereupon; and, notwithstanding thereof, to proceed to the Planting of the Kirk, upon the Suit and Calling, or with the Consent of the Congregation, on whom none is to be obtruded against their Will: And it is decerned, statute and ordained, That whosoever hereafter shall, upon the Suit and Calling of the Congregation, after due Examination of their Literature and Conversation, be admitted by the Presbytery unto the Exercise and Function of the Ministry, in any Parish within this Kingdom, that the said Person or Persons, without a Presentation, by Vertue of their Admission, hath sufficient Right and Title to possess and enjoy the Manse and Glebe, and the whole Rents, Profits and Stipends which the Ministers of that Parish had formerly possess and enjoyed, or that hereafter

ter shall be modified by the Commission for Plantation of Kirks : And decerns all Titulars and Tacksmen of Tithes, Heritors, Liferepenters, or others, subject and liable in Payment of Ministers Stipends, to make Payment of the same, notwithstanding the Minister his Want of a Presentation; and ordains the Lords of Session, and other Judges competent, to give out Decrets and Sentences, Letters conform, Horning, Inhibition, and all others Executorials, upon the said Admission of Ministers by Presbyteries, as they were formerly in Use to do, upon Collation and Institution following upon Presentations from Patrons: Declaring always, That where Ministers are already admitted upon Presentation, and have obtained Decrets conform thereupon, that the saids Decrets, and Executorials following thereupon, shall be good and valid Rights to the Ministers for suiting and obtaining Payment of their Stipend, and the Presentation and Decreet conform, obtained before the Date hereof, shall be a valid Ground and Right for that Effect, notwithstanding the annulling of Presentations by Vertue of this present Act. And because it is needful that the just and proper Interest of Congregations and Presbyteries, in providing of Kirks with Ministers, be clearly determined by the General Assembly, and what is to be accounted the Congregation having that Interest, therefore it is hereby seriously recommended unto the next General Assembly clearly to determine the same, and to condescend upon a certain standing Way for being a settled Rule therein for all Time coming. And it is hereby provided, declared and ordained, That the taking away of Patronages and Presentations of Kirks shall import nor enforce no Hurt nor Prejudice unto the Title and Right that any Patron hath unto the Tythes of the Parish, nor weaken his Infeftment wherein the same is contained, but that the said Title, Right and Infeftment shall, in every Respect, (so far as doth concern the Tythes) be als valid and strong as when Presentations were in Use. It is further statute and ordained, that the Tythes of these Kirks, whereof the Presentations are hereby abolished, shall belong heritably unto the saids Patrons, and be secured unto them, and inserted in their Rights and Infeftments in Place of the Patronage. Likeas the Estates of Parliament declare

declare said Patrons their Right thereunto to be good and valid, hereby granting full Power to them to possess, sell, annul, and dispose the same in Manner after specified, as fully and freely as the Minister and Patron might have done before the making of these Presents, excepting always therefrom these Tythes which the Heritors have had and possess, by Virtue of Tacks set to them by the Ministers, without any Deed or Consent of the Patrons, concerning which it is provided, That the said Tythes, at the Issue and Outrunning of the present Tacks, shall belong unto the Heritors *respectively*, the said Heritors, and the Patrons above mentioned, each of them for their Interest, being always liable to the Payment of the present Stipends to the Ministers, and to such Augmentation and Provision of new Stipends to one or more Ministers, such as the Parliament or Commission for Plantation of Kirks shall think fit and appoint, excepting also such Tythes as are and have been possess and uplifted by the Ministers as their proper Stipends; concerning which it is hereby declared, that the Minister shall enjoy the same, without any Impediment, as formerly; it being hereby provided also, that this Act shall prejudice no Person of the Right, Title and Possession of their Tythes by Infeftments, Tacks, and other lawful Rights acquired by them, and their Predecessors and Authors, as accords of the Law. Likeas the Estates of Parliament renew the former Acts granted in favours of Heritors, for valuing, leading and buying of their Tythes, hereby ordaining any Patron having Right to these Tythes, made to them by this Act, and having no Right thereunto of before, to accept the Value of six Years Rents, according to the Prices of valued Bowls *respectively*, enjoined and set down in the former Act thereanent, and that for the heritable Right of the said Tythes, and for all Title, Interest or Claim that the said Patrons can have or pretend thereunto by virtue of this Act.

ACTS

ACTS done and past in the third Session of the second triennial Parliament, beginning 23d *May* 1649.

Act XI. For purging the Army. 21st June 1649.

THE Estates of Parliament, considering the manifold Evils both of Sin and Punishment wherewith this Land has been afflicted, by Reason of the malignant Influences and Profanity of many in our Armies; and calling to Mind that they have lately made a solemn Confession and Acknowledgment unto God thereof, as one of the publick Sins of the Land, and that they have engaged themselves for purging of Judicatories and Armies, and intrusting and employing none but such as are of known good Affection; and to the Effect that none be suffered to bide in the Army who are of a profane, malignant and scandalous Carriage, having therefore, according to their Vows, and for removing and preventing all Dangers or Inconveniences that may fall out thereby, and for remedying and relieving the exorbitant Burdens and Oppressions of the Country because of such Mens Insolences, thought necessary to grant Power and Commission to some well affected Persons, in several Shires, for visiting the Troops and Companies quartered therein, and for ordering and directing the cashiering or otherwayes punishing of them, as they, after Trial, shall find their Mis-carriage to deserve: And for that Effect the Estates of Parliament grants Commission, Warrant and Power to

the Troops and Companies lying within the Shire of
and receive all Complaints against them,
to take all Manner of Trial of their Carriage by Information
or Examination of the Country People with whom they
have been quartered, or other honest Persons of the Shire,
or Officers or Soldiers in these Troops, either upon their
Oaths or otherways, as they shall think fit; and to give up
to the chief Officer upon the Plate the List of such Officers
and Soldiers as they shall find guilty of any of the Faults
contained

Articles for purging the Army. 159

contained in the Instructions given to them by this present Parliament, that the said Officer forthwith secure their Horses and Armes, and remove them out of the Army, or punish them otherways as they shall deserve: And in case the saids Commissioners shall, upon pregnant Presumption, think fit, before Trial, that any Officer or Soldier be secured until they be tried, that the chief Officer upon the Place, upon the Desire of the saids Commissioners, shall accordingly secure the saids Persons with their Horses and Armes.

ARTICLES for purging the Army.

First, Concerning Officers.

I. That if there be any Officers in the Army that served under *James Graham*, the late Marquesse of *Huntly*, or their Adherents, against this Kingdom and Cause, that these be cashiered and put out of the Army.

II. That no Officer that served in the late Engagement against *England* shall be employed as Officer in the Army, or be permitted as a common Soldier, or ride with a Troop or Company in the Army, but shall be cashiered and put out of the Army, unlesse he have been admitted by Consent of the Parliament or Committee of Estates, and General Assembly or their Commission.

III. That any Officer, who after Tryall shall be found guilty of malignant and disaffected Speeches, as railing and enveying against the Cause and Covenant, or against the Ministry, or against the present civil Government, and such as are of a profane Carriage, or are guilty of Oppression, be cashiered and put out of the Army.

IV. That any Officer, who after Tryall shall be found to have refused sufficient Soldiers rightly qualified, and hath taken Mony for them, and interverted the same, either in whole or Part, to his own private Use, and levied malignant, disaffected, or profane and scandalous Men in their Rooms, to complete his Number, that the Officer that shall be found thus guilty be cashiered, and imprisoned till he make Restitution of the Mony to the Commissioners, for the Use of the Publick.

V. That

V. That all Officers that levied Money for Soldiers, and did not compleat their Number, shall restore the Double to the Commissioners, for the Use of the Publick, and be further punished as the general Persons shall think fit.

Secondly, Concerning Soldiers.

I. That all Soldiers that served under *James Graham*, the late Marques of *Huntly*, or their Adherents, against this Kingdom and Cause, be cashiered and put out of the Army.

II. That all Soldiers that want sufficient Testimonials, or are found to be guilty of railing, unless they be of known and approven Integrity, within a convenient Time to be allowed by the Commissioners for that Purpose, be cashiered and put out of the Army, and their Horses and Armes taken from them.

III. That all Soldiers, albeit such as have Testimonials, as are found to be guilty of railing or reviling against the Cause and Covenant, or against the Ministry, or against the present civil Government, and all such as are Blasphemers and Mockers of Piety, or Despisers of the Worship of God, or Profaners of the Lord's Day, or Oppressors of the People, or Drunkards, or Plunderers, or unclean Persons, be cashiered and put out of the Army, and their Horse and Armes taken from them.

IV. That no Person that shall maintain any Error or Practice, contrary to the Doctrine, Worship and Discipline of this Kirk, or against the civil Government by King and Parliament, according to the Covenant and Declarations of this Kingdom, shall be permitted in the Army to serve as Officer or Soldier, but shall be removed and cashiered.

V. That the Places of such Officers as shall be cashiered and removed out of the Army, being under the Degree of an Captain, be filled for this Time by the Colonel of that Regiment, with the Advice and Consent of the Commissioners of the respective Shires where the samen are for the Time appointed for purging the Army; and that the Supernumeraries, Women and Pedees be purged out of the Army.

VI. That

VI. That no Officer receive into a Troop or Regiment any of these that are purged out of the Army, under the Pain of cashiering: And recommends to the saids Commissioners for purging the Army, and the Officers of the Army, to fill up the Places of such as shall be purged out, with such of the well-affected Officers and Soldiers as have fled out of *Ireland*.

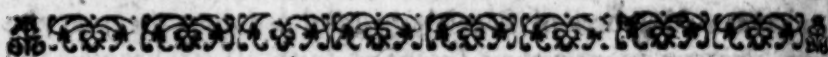
And the saids Estates gives Warrant to the Persons before named to conven in such Places and at such Times as they shall think fit, with Power to them to choose Clerks and other Members of Meeting; and ordaines them at the first Meeting to give their Oaths of faithfull discharging the said Commission in all the Heads and Articles thereof, and to report their Diligence in the said Matter, on this Side of *May* betwixt and the first of *August*, and on the other Side of *May* betwixt and the 15th Day of the said Moneth, under the Paine of Ane thousand Merks to be payed by the fore-said Persons failing to do their Diligence, and to report against the said Day.

Act XVI. For punishing the horrible Crime of Incest with Death. 9th July 1649.

THE Estates of Parliament considering, That it is already ordained by the 14th Act of the first Parliament of King *James VI.* That whatsoever Person or Persons, who are guilty of the abominable and vile Crime of Incest, in any of these Degrees which God's Word hath expressly forbidden in the 18th Chapter of *Leviticus*, shall be punished to the Death: And considering also, that there be many other Degrees of Incest, both in Affinity and Consanguinity, no less hainous and punishable then these expressed in the Letter of that Text, because they be either neeter or fully as neer: Therefore the Estates of Parliament, being desirous to provide a sufficient Remedy against all these Evils, and that the Wrath of God (which could not but lie heavy upon the Land, by Impunity of such abominable Crimes) may be averted, do ratifie and approve the said Act: And further declare and ordain, That not only those Persons who are guilty of any Degree of Incest express in the foresaid

Text, but also, that whatsoever Person or Persons shall hereafter be found guilty of any other Degree of Incest, either nearer or fully as near, in Affinity or Consanguinity, as these that are expressed in the Letter of the foresaid Text, shall be punished to the Death.—

The End of the SECOND PART.



APPENDIX

T O

PART II.

Containing Three Acts of the First Parliament of King *Charles II.* begun at *Edinburgh*, January 1. 1661. annulling the foregoing Parliaments, and rescinding their Laws.

Act III. Asserting his Majesty's Royal Prerogative in the calling and dissolving of Parliaments, and making of Laws.

THE Estates of Parliament, now convened by his Majesty's special Authority, considering, That the Quietness, Stability and Happiness of the People do depend upon the Safety of the King's Majesty's sacred Person, and the Maintenance of his Sovereign Authority, Princely Power, and Prerogative Royal; and conceiving themselves obliged

in Conscience, and in Discharge of their Duties to Almighty God, to the King's Majesty, and to their native Country, to make a due Acknowledgment thereof at this Time, do therefore unanimously declare, That they will, with their Lives and Fortunes, maintain and defend the same. And they do hereby acknowledge, that the Power of calling, holding, proroguing and dissolving of Parliaments, and all Conventions and Meetings of the Estates, doth solely reside in the King's Majesty, his Heirs and Successors; and that as no Parliament can be lawfully kept without the special Warrant and Presence of the King's Majesty, or his Commissioner, so no Acts, Sentences or Statutes, to be past in any Parliament, can be binding upon the People, or have the Authority and Force of Laws, without the special Authority and Approbation of the King's Majesty, or his Commissioner, interponed thereto, at the making thereof: And therefore the King's Majesty, with Advice and Consent of his Estates of Parliament, doth hereby rescind and annul all Laws, Acts, Statutes, or Practices that have been, or upon any Pretext whatsoever may be, or seem contrair to, or inconsistent with his Majesty's just Power and Prerogative above mentioned, and declares the same to have been unlawful, and to be void and null in all Time coming. And to the End that this Act and Acknowledgment, which the Estates of Parliament, from the Sense of their humble Duty and certain Knowledge have hereby made, may receive the more exact Obedience in Time coming, it is by his Majesty, with Advice foresaid, statute and ordained, That the punctual Observance thereof be specially regarded by all his Majesty's Subjects, and that none of them, upon any Pretext whatsoever, offer to call in question, impugne, or do any Deed to the contrair hereof, under the Pain of Treason.

ART IX. Approving the Engagement 1648. and annulling the pretended Parliaments and Committees kept thereafter.

FOrasmuchas, in the Year One thousand six hundred forty and eight, the Estates of Parliament of this Kingdom, and his Majesty's good Subjects therein, from the Sense of their Duty to Almighty God and the King's Majesty, did

did cheerfully undertake and concur in an Engagement, for Relief of his late Majesty of glorious Memory from his Imprisonment, and for his Restitution to the Royal Government of his Kingdoms. And the Estates of Parliament, now convened by his Majesty's special Authority, taking that Engagement to their Consideration, do find it to have been an honourable, just, necessary and seasonable Discharge of that indispensable Duty whereunto this Kingdom, and the Subjects thereof, are by the Law of God, by the Law of Nature and Nations, by the municipal Laws of the Land, by their Allegiance, and by all the strictest Bonds of Conscience and Honour, obliged to the most sacred Person and Royal Authority of their King's Majesty. And therefore our Sovereign Lord, with Advice and Consent of his Estates of Parliament, doth ratify and approve that Engagement for his Majesty's Relief and Restitution to his Royal Government; And doth declare, that, as it was a most noble and pious Testimony of the Loyalty of his Majesty's good Subjects of his ancient Kingdom, and of their Affection and Zeal to his Majesty's Person and Government; so his Majesty, for himself and his Successors, doth assure, that they will always retain a grateful Relentment thereof, and have appointed these Presents to remain upon Record, for the due Honour of these Persons who did engage therein, and of their Posterity for ever.

And whereas the Necessity and Justice of this Undertaking, with the Interest this Kingdom had in his Majesty's Person, by the Honour of his Royal Birth, and by these many and singular Acts of Grace he had lately conferred upon it, might justly have claimed a ready Concurrence of all the Subjects, yet there wanted not some, and even such whom not long before his Majesty had obliged by Marks of his Royal Favour both of Honour and Profit, who made it their Work to disappoint and oppose the same; and for that End, having gathered some mutinous Commons, and others, who, by a few seditious Ministers, had been preached to an open Rebellion, they, in the Month of *September* One thousand six hundred forty and eight Years, without any lawful Authority (and not giving the Oath mentioned in the Commission of Parliament, without which, it was expressly provided,

they

they were not to have Access to, nor Place in the Committee) did usurp to themselves the Name and Power of a Committee of Estates; and having, by their own Edicts, declared all such Persons as had given Testimony of their Duty and Loyalty to the King, to be incapable of being Members of Parliament, or of having Voice in the Elections to the Parliaments, they then, without any lawful Authority, called a packt Meeting of Parliament, to consist only of Persons of their own Stamp and Faction; who accordingly met in *January* One thousand six hundred forty and nine Years, and, assuming to themselves the sovereign Authority and Government of the Kingdom, intended to establish and fix the Power in their own Persons for ever. For which Purpose, having publicly declared against that necessary and just Engagement for his Majesty's Relief and Restitution to his Royal Government; having approved all the Oppositions and Risings in Arms against the same, and by Oath solemnly engaged themselves to a constant Adherence thereunto; having for their Assistance called in the Usurper *Cromwel*, and a Part of his Army; having by publick Engagement given up the Honour and Safety of this ancient Kingdom to the *English*, and declared that his Majesty should be obliged to ratify that unworthy Act before any Treaty were with him for his Relief; having given Order to their Commissioners to protest against any Agreement betwixt his Majesty and his Subjects in *England*, in the Treaty at the Isle of *Wight*; having, so far as in them lay, weakened and dissolved the common Allegiance of the Subjects to the King's Majesty, by proclaiming his Right to the Crown with base Restrictions and Limitations, and pressing the Subjects against their Consciences to subscribe the same; having disowned his Majesty's Interest in the Quarrel betwixt them and the *English*, who had invaded this Kingdom, meerly to destroy his Majesty's Interest in it; having taken the Lives of some, and forced others of his Majesty's good Subjects of best Quality to flee to foreign Parts for their Safety; having fined, confined, imprisoned and seized upon the Livelihood of many; having put disgraceful Characters and Incapacities upon all who had witnessed any Affection to his Majesty's Government; having unjustly pronounced, and with Cruelty executed Sentences of Forfeiture

against

against the Lives and Fortunes of such as from Conscience of their Duties did oppose them; having in their publick Meetings appointed, that the innocent Wives and Children of these who offered to vindicate his Majesty's Authority, should be seized on, and transported to forreign Countrys; having once and again sollicite their Brethren in *England*, that such of this Kingdom, as (for venturing their Lives for the King) were then Prisoners in *England*, should be still kept Prisoners as Pledges of the Peace; having thrust out of the Offices of State, Places of Judicatory and publick Trust, all such as were willing to engage for his Majesty's Relief and Restitution to his Government, and put such in their Places as did oppose the same; having laid on and raised great Exactions and Sums of Money from the People, and employed them for their own Uses; having seized on his Majesty's Revenues, and bestowed them upon themselves, and such others as were in open Opposition and Arms against him; having also seized upon the Properties and due Rights of the Subjects, and the Patronages by Law secured unto them; and having, by these and many such like Acts, endeavoured to perpetuate themselves in their usurped Power, they prorogated the Meetings of their pretended Parliaments from Time to Time, substituting some of their Trustees for carrying on of their Designs in the While. And the Estates of Parliament, having taken these Proceedings unto their serious Consideration, do find that there was no Law nor lawful Authority for the Meetings of these pretended Parliaments and Committees of Estates, but that the Persons meeting therein did, without any lawful Warrant, and in Contempt of his Majesty's Authority, usurp the Power to themselves.

And therefore the King's Majesty, with Advice and Consent of his Estates of Parliament, doth rescind and annull these pretended Meetings of Parliament, and Committees above mentioned, and all other Meetings of any pretended Parliaments or Committees flowing from the same, and all Acts, Deeds or Treaties done by them or their Warrant; excepting alwayes all such Acts as were past in any Meeting of Parliament, or Committee of Estates authorized by his Majesty's Presence, and are not inconsistent with this present Act: And also declares any Ratification, which
thereafter

thereafter was past of those Meetings and Acts, to have been void from the Beginning; except in so far as is exprest in the Indemnity. Declarations and Provisions after mentioned: Yet, notwithstanding of all these Provocations, the King's Majesty, from his innate Goodnesse, being more desirous to reclaim his Subjects to their Duty by Acts of Mercy, then to reduce them by their too much deserved Censure, doth of his meer Favour and Grace, with Advice and Consent foresaid, indemnify all such Persons who sat and acted in these pretended Parliaments and Committees, or who acted in order thereunto, or by virtue of, and in obedience to the same, to be in all Time coming unquestioned in their Lives and Fortunes for these their Actings, excepting such as shall be excepted in a general Act of Indemnity to be past by his Majesty in this Parliament.

And forasmuch as the ordinar Courts of Justice did sit and act by Warrant of these Meetings, the King's Majesty, for the Good and Ease of the People, doth, with Advice of foresaid, declare that none of the Acts, Decrees or Sentences, given by these who sat as Lords of Session, or as inferior Judges within this Kingdom these Years, nor no Execution following thereupon, are for Want of lawful Authority to be questioned; whereanent his Majesty, with Advice foresaid, by these Presents dispenses: And also his Majesty, considering that, by a pretended Act and Commission from the said pretended Meetings or Parliaments, Augmentations were granted to Ministers, Kirks were divided, new Kirks were erected, and Lands from one Paroch to another disjoyned and annexed, and divers other Particulars decerned in relation to the Plantation of Kirks; which Commissions, one or more, though they had no lawful Authority, but in themselves were and are null, yet his Majesty, being desirous to give all due Encouragement to the Ministers of the Gospel, doth, with Advice and Consent foresaid, declare, That all Acts, Decrees and Sentences pronounced and given forth by the saids Commissioners, and all Executions thereupon, are and shall stand valid in Time coming, except such as, upon the Complaint of any Party, shall be found to have been unjustly or exorbitantly pronounced and decerned. The Determination whereof is hereby referred by

by his Majesty, with Advice and Consent foresaid, to the Commission for Plantation of Kirks, to be established by his Majesty in this present Parliament, that they, after hearing of Parties, and Consideration of Particulars, may take such Course for altering, annulling or allowing of what was done by Vertue of the saids Commissions in the Yeares One thousand six hundred and forty nine, and One thousand six hundred and fifty, as they shall think just, conform to the standing Laws and Acts of Parliament preceeding the Year One thousand six hundred and forty nine; and ordains Process, upon Supplication, to be summarly granted, Parties alwayes being cited, and that without any Reduction: As also with Power to the saids Commissioners to be appointed, upon the Dependence of the saids Complaints and Process, to discharge Execution upon the foresaids Decreets, in Whole or in Part, as they shall find just, ay and while the Matter may be determined by them. And forasmuchas, by a pretended Commission for the Exchequer, divers Infestments, Gifts, and others, were past in the foresaids Years One thousand six hundred and forty nine, and One thousand six hundred and fifty, his Majesty, with Advice foresaid, declares, That all such Gifts, Infestments, and others, are and shall be valid, excepting alwayes new Gifts, and Dispositions of Lands and others, granted and past to his Highness's Prejudice, and such other Gifts, as, upon the Complaints of Parties, shall, by his Majesty's Treasurer and Commissioners of Exchequer, be found to have been unjustly granted or past, in Prejudice of prior Gifts under his Majesty's Hand, though not past in Exchequer. And whereas, by a pretended Act of the foresaid pretended Parliament, intituled, *Act abolishing the Patronages of Kirks*, all Patronages and Presentations of Kirks, whether belonging to the King or any laick Patron, Presbyteries, or others, were discharged, and all Acts, Gifts and Rights granted thereanent rescinded; and yet nevertheless it was thereby declared, That the taking away of the Patronages should not prejudice the Patron's Rights to the Teinds, nor weaken his Infestment wherein the same is contained, and that the Tithes of the Kirks, whereof the Presentations were abolished, should belong heretably to the Patrons, and be inserted in their Rights and Infestments in place of their Patronage,

tronage, with Power to the Patron to dispoſe upon the ſaid Tiends in Manner and with the Exception contained in the ſaid Act; and, notwithstanding that the ſoreſaid Act and whole Parliament be declared null, yet nevertheless his Ma- jeſty, with Advice ſoreſaid, doth by theſe Preſents declare, That it ſhall be lawful to laick Patrons, or Heritors, to agree with the benefited Perſons for Tacks or Rights of Tiends belonging to the ſaid benefited Perſons, according to the Laws of the Kingdom; with this Proviſion, That the ſaid Tacks ſhall be noways prejudicial to the Stipend and Maintenance of the Miniſters and Perſons to be preſented, according as the ſame hath been already modified, or ſhall be modified in Time coming, and that notwithstanding of any Acts or Statutes made in the contrair. All which Acts his Maſteſty, with Conſent ſoreſaid, by theſe Preſents diſcharges: And in like Manner, his Maſteſty, with Advice ſoreſaid, declares, That, as to ſuch Perſons who are preſently in Poſſeſſion of Kirks pertaining to the ſaid laick Patronages, the ſaid Perſons and Miniſters ſhall, during their Service, claim no Right nor Poſſeſſion to the Tiends of their ſaid Kirks and Parochins, other then they had formerly before the making of this Act, they having always a ſufficient Maintenance allowed and granted to them, according to the Laws of the Kingdom.

Act XV. Reſcinding and annulling the pretended Parliaments in the Years 1640, 1641, &c.

THE Eſtates of Parliament, conſidering that the Peace and Happineſs of this Kingdom, and of his Maſteſty's good Subjects therein, doth depend upon the Safety of his Maſteſty's Perſon, and the Maintenance of his Royal Authority, Power and Greatneſs, and that all the Miſeries, Confuſions and Diſorders which this Kingdom hath groaned under theſe twenty three Years, have iſſued from, and been the neceſſary and natural Products of theſe Neglects, Contempts and Invaſions, which, in and from the Beginning of theſe Troubles, were, upon the ſpecious (but falſe) Pretexes of Reformation (the common Cloak of all Rebellions) offered unto the ſacred Perſon and Royal Authority of the King's Maſteſty, and his Royal

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Father

Father of blessed Memory : And notwithstanding that, by the sacred Right inherent to the Imperial Crown, (which his Majesty holds immediately from God Almighty alone) and by the ancient Constitution and fundamental Laws of the Kingdom, the Power of convocating and keeping Assemblies of the Subjects ; the Power of calling, holding, proroguing and dissolving of Parliaments, and making of Laws ; the Power of entering into Bonds, Covenants, Leagues and Treaties ; the Power of raising Armes, keeping of Strengths and Forts, are essential Parts and inseparable Privileges of the Royal Authority and Prerogative of the Kings of this Kingdom ; yet, such hath been the Madness and Delusion of these Times, that even Religion itself, which holds the Right of Kings to be sacred and inviolable, hath been pretended unto for Warrant of all these injurious Violations and Encroachments, so publickly done and owned upon and against his Majesty's just Power, Authority and Government. by making and keeping of unlawful Meetings and Convocations of the People ; by entering into Covenants, Treaties and Leagues ; by seizing upon and possessing themselves of his Majesty's Castles, Forts and Strengths of the Kingdom, and by holding of pretended Parliaments, making of Laws, and raising of Armes for the maintaining of the same ; and that not only without Warrant, but contrary to his Majesty's express Commands : And although the late King's Majesty, out of his meer Grace and Respects to this his native Kingdom, and the Peace and Quiet of his People, and for preventing the Consequences which such a bad Example and Practice might occasion, to the Disturbance of the Peace of his other Kingdoms, was pleased, in the Year One thousand six hundred and forty one, to come into this Country, and, by his own Presence, at their pretended Parliaments, and otherways, to comply with and give Way to many Things nearly concerning the undoubted Interest and Prerogative of the Crown, expecting that such unparalleled Condescensions should have made his Subjects ashamed of their former Miscarriages, and the very Thoughts thereof to be hateful to them and their Posterity for ever ; yet such was the Prevalency of the Spirit of Rebellion that raged in many for the Time, that, not content of that Peace and Happiness, which, even above their Desires,

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was secured to them; nor of those many Grants of Honour and Profit, by which his Majesty endeavoured to endear the most desperate of them to their Duty and Obedience, they then, when his Majesty had not left unto them any Pretence or Shadow of any new Desire to be proposed, either concerning themselves or the Kingdom, did most unworthily engage to subvert his Majesty's Government, and the publick Peace of the Kingdom of *England*; for which Purpose, having joined in a League with some there, they, for the better Prosecution of the same, did assume unto themselves the Royal Power, kept and held Parliaments at their Pleasure, by the pretended Authority of which they laid new Exactions upon the People (which in one Month did far exceed whatever by the King's Authority had been raised in a whole Year) levied Armes, sent out Edicts requiring Obedience unto their unlawful Demands, and with all Manner of Violence pursued such as out of Duty to his Majesty's Authority opposed them, by Fines, Confinements, Imprisonment, Banishment, Death, and Forfeiture of their Posterity; and, with their Army thus raised, invaded his Majesty's Kingdom of *England*, and joined with such as were in Arms against his Majesty there: And thus maintaining their usurped Power, and violently executing the same, against all Law, Conscience, Honour and Humanity, have made themselves Instruments of much Loss, Shame and Dishonour to their native Country, and have justly forfeited any Favour they might have pretended to from his Majesty's former Concessions. And soasmuch as now it hath pleased Almighty God, by the Power of his own right Hand, so miraculously to restore the King's Majesty to the Government of his Kingdoms, and to the Exercise of his Royal Power and Sovereignty over the same, the Estates of Parliament do conceive themselves obliged, in Discharge of their Duty and Conscience to God and the King's Majesty, to employ all their Power and Interest for vindicating his Majesty's Authority from all these violent Invasions that have been made upon it, and, so far as is possible, to remove out of the Way every Thing that may retain any Remembrance of these Things which have been so injurious to his Majesty and his Authority, so prejudicial and dishonourable to the Kingdom, and destructive to all just and true Interests within the same. And considering that, besides the Unlawfulness
of

of the publick Actings during these Troubles, most of the Acts, in all and every of the Meetings of these pretended Parliaments, do highly encroach upon, and are destructive of that sovereign Power, Authority, Prerogative and Right of Government, which, by the Law of God and the ancient Laws and Constitutions of this Kingdom, doth reside in, and belong unto the King's Majesty, and do reflect much upon the Honour, Loyalty and Reputation of this Kingdom, or are expired, and serve only as Testimonies of Disloyalty and Reproach upon the Kingdom, and are unfit to be any longer upon Record, therefore the King's Majesty and Estates of Parliament do hereby rescind and annul the pretended Parliaments kept in the Years One thousand six hundred and forty, One thousand six hundred and forty one, One thousand six hundred and forty four, One thousand six hundred and forty five, One thousand six hundred and forty six, One six hundred and forty seven, and One thousand six hundred and forty eight, and all Acts and Deeds past and done in them, and declares the same to be henceforth void and null, And his Majesty, being unwilling to take any Advantage of the Failings of his Subjects during those unhappy Times, is resolved not to retain any Remembrance thereof, but that the same shall be held in everlasting Oblivion. And, that all Difference and Animosities being forgotten, his good Subjects may, in a happy Union under his Royal Government, enjoy that Happiness and Peace which his Majesty intends, and really wisheth unto them as unto himself, doth therefore, by Advice and Consent of his Estates of Parliament, grant his full Assurance and Indemnity to all Persons, that acted in or by Vertue of the said pretended Parliaments, and other Meetings flowing from the same, to be unquestioned in their Lives or Fortunes, for any Deed or Deeds done by them in their said Usurpation, or by Vertue of any pretended Authority derived therefrom, excepting always such as shall be excepted in a general Act of Indemnity to be past by his Majesty in this Parliament: And it is hereby declared, That all Acts, Rights and Securiities past in any of the pretended Meetings above written, or by Vertue thereof, in favours of any particular Persons, for their civil and private Interests, shall stand good and valid unto them, until the same be taken into farther Consideration, and be determined in this or the next Session of this Parliament,

A
COLLECTION
Of the principal
ACTS and STATUTES
Made by the
PARLIAMENTS
OF
SCOTLAND

In favours of the
True Protestant RELIGION and
Presbyterial Church-Government,

FROM
The *Revolution* (1688.) to the *Incorporating*
Union with England (1707.)

WITH
An Abridgment of the other Laws respecting
Religion, from the *Restoration* (1660.) to
the present Time,

EDINBURGH,

Printed by W. CHEYNE, (by Allowance of his Majesty's Printer) for
Andrew Stevenson Writer, and sold by him, at his House, South-Side of
the Tolbooth, and by the Bookfellers in Town and Country.

MDCCLXIX.

TO THE READER.

THis third Part doth natively divide itself into four Periods. viz. The First, during *Cromwel's* ten Years Ufurpation; the Second, from the *Restoration* of King *Charles II.* (1660.) to the *Revolution* (1688.) containing the Reigns of the two Royal Brothers *Charles II.* and *James VII.* the Third, from the *Revolution* to the *incorporating Union* betwixt *Scotland* and *England* (1707.) containing the Reigns of *K. William* and *Q. Mary*, and a Part of *Q. Anne's*; and the Fourth, from the *incorporating Union* to the present Year 1749. containing the rest of *Q. Anne's* Reign, the whole Reign of *K. George I.* and what is past of the Reign of his present Majesty. But,

The First of these Periods having been an *Interregnum*, the Second having been famous only for unparalleled Tyranny and Persecution, and the Fourth affording little to the present Purpose. what Acts are here given at Length fall within the Third only: Meantime, that the History of the legal Establishment of Religion in this Nation may be complete, you are also here furnished with genuine Abridgments, of the Laws made in the second and fourth Periods.

No doubt many Readers would be satisfied with Observations upon the foregoing and subsequent Acts; but, though I incline this, I am aware that the different Sentiments of some others do forbid it; and therefore I leave them as they are to your impartial Consideration, and refer those who stand in need of such Helps to the Perusal of the *Criterion*, a second Edition whereof will be speedily published; and which, in the Opinion of some, far more judicious than its Author, is reckoned a fit Supplement to these Collections.

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[175]

A
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Made by the

PARLIAMENTS of SCOTLAND

In favours of the

True Protestant RELIGION and Presbyterian
Church-Government, from the Revolution
(1688.) to the incorporating Union with Eng-
land (1707.)

Act XIII. *The Declaration of the Estates of the Kingdom of
Scotland, containing the Claim of Right, and the Offer of
the Crown to their Majesties King William and Queen
Mary. April 11. 1689.**

W Hereas King James VII. being a professed Papist,
did assume the Regal Power, and acted as King,
without ever taking the Oath required by Law,
whereby the King, at his Access to the Government, is ob-
liged to swear to maintain the Protestant Religion, and to
rule

A * This Act is afterwards acknowledged in several Acts of Parliament, and
the quarrelling or repugning the same, or any Part thereof, declared High
Treason, as shall be particularly noticed in the Abridgments.

176 *The Declaration of the Estates* 1688.

rule the People according to the laudable Laws; and did, by the Advice of wicked and evil Counsellors, invade the fundamental Constitution of this Kingdom, and altered it from a legal limited Monarchy to an arbitrary despotick Power; and, in a publick Proclamation, asserted an absolute Power to call, annul and disable all the Laws, particularly arraigning the Laws establishing the Protestant Religion, and did exerce that Power, to the Subversion of the Protestant Religion, and to the Violation of the Laws and Liberties of the Kingdom;

By erecting publick Schools and Societies of the Jesuits; and not only allowing Mass to be publicly said, but also inverting Protestant Chapels and Churches to publick Mass-Houses, contrary to the expresse Laws against Saying and Hearing of Mass;

By allowing Popish Books to be printed and dispersed by a Gift to a Popish Printer, designing him Printer to his Majesty's Household, College and Chapel, contrary to the Laws;

By taking the Children of Protestant Noblemen and Gentlemen, sending and keeping them abroad to be bred Papists, making great Funds and Donations to Popish Schools and Colleges abroad, bestowing Pensions upon Priests, and perverting Protestants from their Religion, by Offers of Places, Preferments and Pensions;

By disarming Protestants, while at the same Time he employed Papists in the Places of greatest Trust, Civil and Military, such as Chancellor, Secretaries, Privy Counsellors, and Lords of Session, thrusting out Protestants to make Room for Papists, and entrusting the Forts and Magazines of the Kingdom in their Hands;

By imposing Oaths contrary to Law;

By giving Gifts and Grants for exacting Money, without Consent of Parliament or Convention of Estates;

By levying or keeping on Foot a standing Army in Time of Peace, without Consent of Parliament, which Army did exact Locality, free and dry Quarters;

By employing the Officers of the Army as Judges throughout the Kingdom, and imposing them where there were heritable

Offices

The Declaration of the Estates 1688. 177

Offices and Jurisdictions, by whom many of the Lieges were put to Death summarily, without legal Trial, Jury or Record;

By imposing exorbitant Fines to the Value of the Parties Estates, exacting extravagant Bail, and disposing Fines and Forfeitures before any Process or Conviction;

By imprisoning Persons without expressing the Reason, and delaying to put them to Trial;

By causing pursue and forfeit several Persons upon Stretches of old and obselete Laws, upon frivolous and weak Pretences, upon lame and defective Probations, as particularly the late Earl of *Argyle*, to the Scandal and Reproach of the Justice of the Nation;

By subverting the Right of the Royal Burghs, the third Estate of Parliament, imposing upon them not only Magistrates, but also the whole Town Council and Clerks, contrair to their Liberties and expresse Charters, without the Pretence either of Sentence, Surrender, or Consent; so that the Commissioners to Parliaments being chosen by the Magistrates and Council, the King might in Effect als well nominate that entire Estate of Parliament; and many of the saids Magistrates put in by him were avowed Papists, and the Burghs were forced to pay Money for the Letters imposing these illegal Magistrates and Councils upon them;

By sending Letters to the chief Court of Justice, not only ordaining the Judges to stop and desist *sine die* to determine Causes, but also ordering and commanding them how to proceed in Cases depending before them, contrary to the expresse Laws; and, by changing the Nature of the Judges Gifts *ad vitam aut culpam*, and giving them Commissions *ad beneplacitum*, to dispose them to Compliance with arbitrary Courses, and turning them out of their Offices, when they did not comply;

By granting personal Protections for civil Debts contrary to Law.

All which are utterly and directly contrary to the known Laws, Statutes and Freedoms of this Realm.

Therefore the Estates of the Kingdom of *Scotland* find and declare, That King *James VII.* being a professed Papist, did assume the Regal Power, and acted as King, without ever

taking the Oath required by Law, and hath, by the Advice of evil and wicked Counsellors, invaded the fundamental Constitution of the Kingdom, and altered it, from a legal limited Monarchy, to an arbitrary despotick Power, and hath exercised the same to the Subversion of the Protestant Religion, and the Violation of the Laws and Liberties of the Kingdom, inverting all the Ends of Government, whereby he hath forfeited the Right to the Crown, and the Throne is become vacant.

And whereas, his Royal Highness *William* then Prince of *Orange*, now King of *England*, whom it hath pleased the Almighty God, to make the glorious Instrument of delivering these Kingdoms from Popery and arbitrary Power, did, by the Advice of several Lords and Gentlemen of this Nation, at *London*, for the Time, call the Estates of this Kingdom to meet the Fourteenth of *March* last, in order to such an Establishment, as that their Religion, Laws and Liberties might not be again in Danger of being subverted: And the said Estates, being now assembled in a full and free Representative of this Nation, taking to their most serious Consideration the best Means for attaining the Ends aforesaid, do, in the first Place, as their Ancestors, in the like Cases, have usually done, for the vindicating and asserting their ancient Rights and Liberties, declare,

That, by the Law of this Kingdom, no Papist can be King or Queen of this Realm, nor bear any Office whatsoever therein; nor can any Protestant Successor exercise the Regal Power, until he or she swear the Coronation Oath:

That all Proclamations asserting an absolute Power to cass, annull and disable Laws, the erecting Schools and Colleges for Jesuits, the inverting Protestant Chapels and Churches to publick Mass-Houses, and the allowing Mass to be said, are contrary to Law:

That the allowing Popish Books to be printed and dispersed, is contrary to Law:

That the taking the Children of Noblemen, Gentlemen and others, sending and keeping them abroad to be bred Papists, the making Funds and Dotations to Popish Schools and Colleges, the bestowing Pensions on Priests, and the

pervverting

pervverting Protestants from their Religion, by Offers of Places, Preferments and Pensions, are contrary to Law :

That the disarming of Protestants, and employing Papists in the Places of greatest Trust, both Civil and Military, the thrusting out Protestants to make Room for Papists, and the intrusting Papists with the Forts and Magazines of the Kingdom, are contrary to Law :

That the imposing Oaths, without Authority of Parliament, is contrary to Law :

That the giving Gifts or Grants for raising of Money, without the Consent of Parliament or Convention of Estates, is contrary to Law :

That the employing the Officers of the Army as Judges through the Kingdom, or imposing them where there were heritable Officers and Jurisdictions, and the putting the Lieges to Death summarily, without legal Trial, Jury, or Record, are contrary to Law :

That the imposing of extraordinary Fines, the exacting of exorbitant Bail, and the disposing of Fines and Forfeitures before Sentence, are contrary to Law :

That the imprisoning Persons, without expressing the Reason thereof, and delaying to put them to Trial, is contrary to Law :

That the causing pursue and forfeit Persons upon Stretches of old and obsolete Laws, upon frivolous and weak Pretences, upon lame and defective Probation, as particularly the late Earl of Argyle, are contrary to Law :

That the nominating and imposing the Magistrates, Councils and Clerks upon Burghs, contrary to their Liberties and express Charters, is contrary to Law :

That the sending Letters to the Courts of Justice, ordaining the Judges to stop or desist from determining Causes, or ordaining them how to proceed in Causes depending before them, and the changing the Nature of the Judges Gifts *ad vitam aut culpam*, into Commissions *durante beneplacito*, are contrary to Law :

That the granting personal Protections for civil Debts is contrary to Law :

That the forcing the Lieges to depone against themselves in

in capital Crimes, however the Punishment be restricted, is contrary to Law :

That the using Torture without Evidence, or in ordinary Crimes, is contrary to Law :

That the sending of an Army in an hostile Manner, upon any Part of the Kingdom, in a peaceable Time, and exacting of Locality, and any Manner of free Quarters, is contrary to Law :

That the charging of the Lieges with Lawborrowes at the King's Instance, and the imposing of Bonds without the Authority of Parliament, and the suspending Advocates from their Employment, for not compearing when such Bonds were offered, were contrary to Law :

That the putting of Garrisons, in private Mens Houses in Time of Peace, without their Consent, or the Authority of Parliament, is contrary to Law :

That the Opinions of the Lords of Session, in the two Cases following, were contrary to Law, viz. 1. That the concealing the Demand of a Supply for a forfeited Person, although not given, is Treason ; 2. That Persons refusing to discover what are their private Thoughts and Judgments, in relation to Points of Treason, or other Men's Actions, are guilty of Treason :

That the fining Husbands for their Wives withdrawing from the Church, was contrary to Law :

That Prelacy, and the Superiority of any Office in the Church above Presbyters, is and hath been a great and insupportable Grievance and Trouble to this Nation, and contrary to the Inclinations of the Generality of the People ever since the Reformation, (they having reformed from Popery by Presbyters) and therefore ought to be abolished :

That it is the Right and Privilege of the Subjects, to protest for Remedy of Law to the King and Parliament, against Sentences pronounced by the Lords of Session, providing the same do not stop Execution of these Sentences :

That it is the Right of the Subjects to petition the King, and that all Imprisonments and Prosecutions for such Petitioning are contrary to Law :

That for Redress of all Grievances, and for the amending, strengthening and preserving of the Laws, Parliaments ought

Claim of Right, and Offer of the Crown. 181

ought to be frequently called and allowed to sit, and the Freedom of Speech and Debate secured to the Members.

And they do claim, demand and insist upon all and sundry the Premises as their undoubted Right and Liberties; and that no Declarations, Doings, or Proceedings to the Prejudice of the People, in any of the said Premises, ought in any ways to be drawn hereafter in Consequence or Example, but that all Forfeitures, Fines, Loss of Offices, Imprisonments, Banishments, Pursuits, Persecutions, Tortures, and rigorous Executions, be considered, and the Parties lesed be redressed.

To which Demand of their Rights, and redressing of their Grievances, they are particularly encouraged by his Majesty the King of *England* his Declaration for the Kingdom of *Scotland*, of the Day of *October* last, as being the only Means for obtaining a full Redress and Remedy therein.

Having therefore an entire Confidence, that his said Majesty the King of *England* will perfect the Deliverance so far advanced by him, and will still preserve them from the Violation of their Rights which they have here asserted, and from all other Attempts upon their Religion, Laws and Liberties,

The saids Estates of the Kingdom of *Scotland* do resolve, That *William* and *Mary*, King and Queen of *England*, *France* and *Ireland*, be, and be declared King and Queen of *Scotland*, to hold the Crown and Royal Dignity of the said Kingdom of *Scotland*, to them the said King and Queen, during their Lives, and the longest Liver of them, and that the sole and full Exercise of the Regal Power be only in and exercised by him the said King, in the Names of the said King and Queen, during their joint Lives; and, after their Decease, the said Crown and Royal Dignity of the said Kingdom to be to the Heirs of the Body of the said Queen; which failing, to the Princess *Anne* of *Denmark*, and the Heirs of her Body; which also failing, to the Heirs of the Body of the said *William* King of *England*.

And they do pray the said King and Queen of *England* to accept the same accordingly.

And

And that the Oath hereafter mentioned be taken by all Protestants, of whom the Oath of Allegiance, and any other Oaths and Declarations might be required by Law, instead of them, and that the said Oath of Allegiance, and other Oaths and Declarations may be abrogated.

I A. B. do sincerely promise and swear, That I will be faithful, and bear true Allegiance to their Majesties King William and Queen Mary. So help me God.

An ACT made in the first Parliament of K. William and Q. Mary.

Act III. Abolishing Prelacy. 22d July 1689.

WHereas the Estates of this Kingdom, in their Claim of Right of the eleventh of April last, declared that Prelacy, and the Superiority of any Office in the Church above Presbyters, is and hath been a great and insupportable Grievance to this Nation, and contrary to the Inclinations of the Generality of the People ever since the Reformation, they having reformed from Popery by Presbyters, and therefore ought to be abolished, our Sovereign Lord and Lady, the King and Queen's Majesties, with Advice and Consent of the Estates of Parliament, do hereby abolish Prelacy, and all Superiority of any Office in the Church in this Kingdom above Presbyters, and hereby rescinds, casses and annuls the first *Act* of the second Session of the first Parl. of K. Charles II. and the second *Act* of the third Sess. of the first Parl. of K. Charles II. and the fourth *Act* of the third Parl. of K. Charles II. and all other Acts, Statutes and Constitutions, in so far allanerly as they are inconsistent with this Act, and do establish Prelacy, or the Superiority of Church-Officers above Presbyters: And the King and Queen's Majesties do declare, that they, with Advice and Consent of the Estates of this Parliament, will settle by Law that Church-Government in this Kingdom, which is most agreeable to the Inclinations of the People.

ACTS

Supremacy rescinded. Outed Ministers restored, 183

ACTS made Sess. 2. Parl. 1. K. William and Q. Mary.

*Act I. Rescinding the first Act of the second Parliament 1669.
25th April 1690.*

OUR Sovereign Lord and Lady, the King and Queen's Majesties, taking into their Consideration, that, by the second Article of the Grievances presented to their Majesties by the Estates of this Kingdom, it is declared, That the first Act of the second Parliament of K. Charles II. intitled, *Act asserting his Majesty's Supremacy over all Persons, and in all Causes ecclesiastical*, is inconsistent with the Establishment of the Church Government now desired, and ought to be abrogat, therefore their Majesties, with Advice and Consent of the Estates of Parliament, do hereby abrogat, rescind and annul the foresaid Act, and declares the same, in the whole Heads, Articles and Clauses thereof, to be of no Force or Effect in all Time coming.

*Act II. Restoring the Presbyterian Ministers, who were thrust from their Churches since the first Day of January 1661.
25th April 1690.*

FOrasmuch as, by an Act of this present Parliament, relative to and in Prosecution of the Claim of Right, Prelacy, and the Superiority of Church Officers above Presbyters, is abolished, and that many Ministers of the Presbyterian Persuasion, since the First of January One thousand six hundred sixty one, have been deprived of their Churches, or banished for not conforming to Prelacy, and not complying with the Courses of the Time, therefore their Majesties, with Advice and Consent of the Estates of Parliament, ordain and appoint, that all these Presbyterian Ministers yet alive, who were thrust from their Charges since the first Day of January One thousand six hundred sixty one, or banished for not conforming to Prelacy, and not complying with the Courses of the Time, have forthwith free Access to their Churches, that they may presently exercise the Ministry in these Parishes, without any new Call thereto, and allows them to brink and enjoy the Benefices and Stipends thereunto belonging, and
that

that for the whole Crop One thousand six hundred eighty nine, and immediately to enter to the Churches and Manſes where the Churches are vacant, and where they are not vacant, then their Entry thereto is declared to be the Half of the Benefice and Stipend, due and payable at *Michaelmaſs* laſt, for the Half Year immediately preceeding betwixt *Whitſunday* and *Michaelmaſs*; declaring that the preſent Incumbent ſhall have Right to the other Half of the Stipend and Benefice payable for the *Whitſunday* laſt bypaſt; and to the Effect that theſe Miniſters may meet with no Stop or Hinderance in entering immediately to their Charges, the preſent Incumbents in ſuch Churches are hereby appointed, upon Intimation hereof, to deſiſt from their Miniſtry in theſe Pariſhes, and to remove themſelves from the Manſes and Glebes thereunto belonging, betwixt and *Whitſunday* next to come, that the Presbyterian Miniſters, formerly put out, may enter peaceably thereto, and appoints the Privy Council to ſee this Act put to Execution.

Act V. Ratifying the Confession of Faith, and ſettling Presbyterian Church-Government. 7th June 1690.

OUR Sovereign Lord and Lady, the King and Queen's Majesties, and three Estates of Parliament, conceiving it to be their bound Duty, after the great Deliverance that God hath lately wrought for this Church and Kingdom, in the first Place to settle and secure therein the true Protestant Religion according to the Truth of God's Word, as it hath of a long Time been professed within this Land; as also the Government of Christ's Church within this Nation, agreeable to the Word of God, and most conducive to the Advancement of true Piety and Godliness, and the establishing of Peace and Tranquillity within this Realm; and that by an Article of the Claim of Right it is declared, That Prelacy, and the Superiority of any Office in the Church above Presbyters, is and hath been a great and unsupportable Grievance and Trouble to this Nation, and contrary to the Inclinations of the Generality of the People ever since the Reformation, they having reformed from Popery by Presbyters, and therefore ought to be abolished. Likeas, by

an Act of the last Session of this Parliament, Prelacy is abolished, therefore their Majesties, with Advice and Consent of the said three Estates, do hereby revive, ratify and perpetually confirm all Laws, Statutes and Acts of Parliament made against Popery and Papists, and for the Maintenance and Preservation of the true reformed Protestant Religion, and for the true Church of Christ within this Kingdom, in so far as they confirm the same, or are made in favours thereof: Likeas they, by these Presents, ratify and establish the *Confession of Faith* now read in their Presence, and voted and approved by them as the publick and avowed Confession of this Church, containing the Sum and Substance of the Doctrine of the reformed Churches, (which Confession of Faith is subjoined to this present Act*) as also they do establish, ratify and confirm the Presbyterian Church Government and Discipline; that is to say, the Government of the Church by Kirk-Sessions, Presbyteries, Provincial Synods and General Assemblies, ratified and established by the 114 Act, *Ja. VI. Parl. 12. anno 1597*, entitled, Ratification of the Liberty of the true Kirk, &c. and thereafter received, by the general Consent of this Nation, to be the only Government of Christ's Church within this Kingdom; reviving, renewing and confirming the foresaid Act of Parliament in the whole Heads thereof, except that Part of it relating to Patronages, which is hereafter to

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* To this Act was subjoined the Confession of Faith, whereof the following are the Heads or Titles of the Chapters, viz. Chap. I. Of the Holy Scripture. Chap. II. Of God and the Holy Trinity. Chap. III. Of God's eternal Decrees. Chap. IV. Of Creation. Chap. V. Of Providence. Chap. VI. Of the Fall of Man, and of the Punishment thereof. Chap. VII. Of God's Covenant with Man. Chap. VIII. Of Christ the Mediator. Chap. IX. Of free Will. Chap. X. Of effectual Calling. Chap. XI. Of Justification. Chap. XII. Of Adoption. Chap. XIII. Of Sanctification. Chap. XIV. Of saving Faith. Chap. XV. Of Repentance unto Life. Chap. XVI. Of good Works. Chap. XVII. Of Perseverance of the Saints. Chap. XVIII. Of the Assurance of Grace and Salvation. Chap. XIX. Of the Law of God. Chap. XX. Of Christian Liberty and Liberty of Conscience. Chap. XXI. Of religious Worship and the Sabbath-Day. Chap. XXII. Of lawful Oaths and Vows. Chap. XXIII. Of the Civil Magistrate. Chap. XXIV. Of Marriage and Divorce. Chap. XXV. Of the Church. Chap. XXVI. Of the Communion of Saints. Chap. XXVII. Of the Sacraments. Chap. XXVIII. Of Baptism. Chap. XXIX. Of the Lord's Supper. Chap. XXX. Of Church-Censures. Chap. XXXI. Of Synods and Councils. Chap. XXXII. Of the State of Man after Death, and of the Resurrection of the Dead. Chap. XXXIII. Of the last Judgment.

be taken into Consideration ; and rescinding, annulling, and making void the Acts of Parliament following, *viz.* Act anent Restitution of Bishops, *Ja. VI. Parl. 18. Cap. 2.* Act ratifying the Acts of the Assembly 1610. *Ja. VI. Parl. 21. Cap. 1.* Act anent the Election of Archbishops and Bishops, *Ja. VI. Parl. 22. Cap. 1.* Act intituled, Ratification of the five Articles of the General Assembly at *Perth*, *Ja. VI. Parl. 23. Cap. 1.* Act intituled, For the Restitution and Re-establishment of the antient Government of the Church by Archbishops and Bishops, *Char. II. Parl. 1. Sess. 2. Act 1.* Anent the Constitution of a National Synod, *Char. II. Parl. 1. Sess. 3. Act 5.* Act against such as refuse to depone against Delinquents, *Char. II. Parl. 2. Sess. 2. Act 2.* Act intituled, Acknowledging and asserting the Right of Succession to the Imperial Crown of Scotland, *Char. II. Parl. 3. Act 2.* Act intituled, Act anent Religion and the Test, *Char. II. Parl. 3. Act 6.* with all other Acts, Laws, Statutes, Ordinances and Proclamations, and that in so far alienary as the saids Acts, and others generally and particularly above mentioned, are contrary or prejudicial to, inconsistent with or derogatory from the Protestant Religion, and Presbyterian Government now established ; and allowing and declaring, that the Church-Government be established in the Hands of, and exercised by these Presbyterian Ministers who were outed since the first of *January* 1661. for Non-Conformity to Prelacy, or not complying with the Courses of the Times, and are now restored by the late Act of Parliament, and such Ministers and Elders only as they have admitted or received, or shall hereafter admit or receive ; and also, that all the said Presbyterian Ministers have, and shall have Right to the Maintenance, Rights, and other Privileges by Law provided to the Ministers of Christ's Church within this Kingdom, as they are or shall be legally admitted to particular Churches : Likas, in Pursuance of the Premisses, their Majesties do hereby appoint the first Meeting of the General Assembly of this Church, as above established, to be at *Edinburgh* the third *Thursday* of *October* next to come, in this instant Year 1690. And because many conform Ministers either have deserted, or were removed from Preaching in their Churches, preceeding the 13th Day of *April* 1689. and others were de-

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Allowance given for a General Assembly, 187

prived for not giving Obedience to the Act of the Estates, made in the said 13th of April 1689. intituled, *Proclamation against the owning the late King James, and appointing publick Prayers for King William and Queen Mary*, therefore their Majesties, with Advice and Consent foresaid, do hereby declare all the Churches, either deserted, or from which the conform Ministers were removed or deprived, as said is, to be vacant, and that the Presbyterian Ministers exercising their Ministry within any of these Parishes, (or where the last Incumbent is dead) by the Desire or Consent of the Parish, shall continue their Possession, and have Right to the Benefices and Stipends according to their Entry in the Year 1689. and in Time coming, ay and while the Church, as now established, take farther Course therewith: And to the Effect the Disorders that have happened in this Church may be redressed, their Majesties, with Advice and Consent foresaid, do hereby allow the general Meeting, and Representatives of the foresaid Presbyterian Ministers and Elders, in whose Hands the Exercise of the Church Government is established, either by themselves, or by such Ministers and Elders as shall be appointed and authorized Visitors by them, according to the Custom and Practice of Presbyterian Government throughout the whole Kingdom, and several Parts thereof, to try and purge out all insufficient, negligent, scandalous and erroneous Ministers, by due Course of ecclesiastical Process and Censures, and likeways for redressing all other Church Disorders: And further, it is hereby provided, that whatsoever Minister, being convened before the said General Meeting, and Representatives of the Presbyterian Ministers and Elders, or the Visitors to be appointed by them, shall either prove contumacious in not appearing, or be found guilty, and shall be therefore censured, whether by Suspension or Deposition, they shall *ipso facto* be suspended from, or deprived of their Stipends and Benefices.

Act XXII. *Discharging the Yule Vacance.** 19th July 1690.

THE King and Queen Majesties considering, that the keeping of the Yule-Vacance hath been a great Interruption

* This Act is rescinded, as after noticed.

ruption to the Course of Justice in this Kingdom, to the Hindrance and heavy Prejudice of the Lieges thereof, therefore they, with and by the Advice of the Estates of Parliament, have discharged, and simply discharges the foresaid Yule-Vacance, and all Observation thereof, in Time coming; and rescinds and annuls all Acts, Statutes, Warrands and Ordinances whatsoever, granted any Time heretofore for keeping of the said Yule-Vacance, with all Custom or Observation thereof; and finds and declares the same to be extinct, void, and of no Force nor Effect in Time coming; and ordains the Court and Session of the College of Justice, and Senators and Members thereof, to convene and sit for the Administration of Justice, without any Interruption by the foresaid Yule-Vacance, from the first Day of *November* to the last of *February inclusive* yearly: And ordains the said Senators, and remanent Members of the College of Justice, to rise the said last Day of *February*, and to convene and sit down again, for Administration of Justice to the Lieges, the first Day of *June* yearly, and to rise the last Day of *July* next thereafter *inclusive*: And also ordains the whole remanent Judges of inferior Courts within the Kingdom, to proceed in the Administration of Justice within their several Jurisdictions, without any Respect to the said Yule-Vacance, and without any Interruption or Vacation by the said Yule-Vacance, notwithstanding of any bygone Custom of Observation of the said Yule-Vacance, seeing the same is now discharged in Manner foresaid.

Act XXIII. Concerning Patronages †. 19th July 1690.

OUR Sovereign Lord and Lady, the King and Queens Majesties, considering that the Power of presenting Ministers to vacant Churches, of late exercised by Patrons, hath been greatly abused, and is inconvenient to be continued in this Realm, do therefore, with the Advice and Consent of the Estates of Parliament, hereby discharge, cass, annul and make void the foresaid Power heretofore exercised by any Patron, of presenting Ministers to any Kirk now vacant, or that shall hereafter happen to vaick within this Kingdom, with all Exercise of the said Power; and also all Rights,

Gifts

† This Act is rescinded by an Act of the British Parliament, anno 1714.

Gifts and Infeimments, Acts, Statutes and Customs, in so far as they may be extended or understood to establish the said Right of Presentation, but Prejudice always of such Ministers as are duly entered by the foresaid Presentations (while in Use) their Right to the Manse, Glebe, Benefice, Stipend, and other Profits of their respective Churches, as accords; and but Prejudice to the Patrons, of their Right to employ the vacant Stipends on pious Uses within the respective Paroches, except where the Patron is Popish, in which Case he is to employ the same on pious Uses by the Advice and Appointment of the Presbytery; and, in case the Patron shall fail in applying the vacant Stipend for the Uses foresaid, that he shall lose his Right of Administration of the vacant Stipend for that and the next Vacancy, and the same shall be disposed on by the Presbytery to the Uses foresaid, excepting always the vacant Stipends within the Bounds of the Synod of Argyle; and to the Effect the calling and entering Ministers in all Time coming may be orderly and regularly performed, their Majesties, with Consent of the Estates of Parliament, do statute and declare, That, in case of the Vacancy of any particular Church, and for supplying the same with a Minister, the Heritors of the said Parish, (being Protestants) and the Elders, are to name and propose the Person to the whole Congregation, to be either approved or disapproved by them; and if they disapprove, that the Disapprovers give in their Reasons, to the Effect the Affair may be cognosed upon by the Presbytery of the Bounds, at whose Judgment, and by whose Determination the Calling and Entry of a particular Minister is to be ordered and concluded; and it is hereby enacted, that if Application be not made by the Eldership and Heritors of the Parish to the Presbytery, for the Call and Choice of a Minister within the Space of six Months after the Vacancy, that then the Presbytery may proceed to provide the said Parish, and plant a Minister in the Church *tantum jure devoluto*: It is alwayes hereby declared, that this Act shall be but Prejudice of the calling of Ministers to Royal Burghs by the Magistrates, Town-Council and Kirk-Session of the Burgh, where there is no Landward Parish, as they have been in Use before the Year 1660. and where there is a considerable Part of the Parish in Landward, that the

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Call shall be by Magistrates, Town-Council, Kirk-Session, and the Heritors of the landward Parish: And, in Lieu and Recompence of the said Right of Presentation hereby taken away, their Majesties, with Advice and Consent foresaid, statute and ordain the Heritors and Liferenters of each Parish, and the Town-Council for the Burgh, to pay to the said Patrons, betwixt and *Martimass* next, the Sum of six hundred Merks, proportionally effecting to their valued Rents in the said Parish, viz. two Parts by the Heritors, and a third Part by the Liferenters, deducing always the Patron's own Part effecting to his Proportion as an Heritor, and that upon the said Patron his granting a sufficient and formal Renunciation of the said Right of Presentation, in favours of the saids Heritors, Town-Council for the Burgh, and Kirk-Session: And it is hereby declared, that as to the Parishes to which their Majesties have Right to present, upon Payment of the said six hundred Merks to the Clerk of the Treasury, their Majesties shall be fully denuded of their Right of Presentation as to that Parish; and as to other Patrons, if they refuse to accept the said six hundred Merks, the same is to be consigned in the Hands of a responsal Person in the Parish, upon the Hazard of the Consigners, not to be given up to the Patron until he grant the said Renunciation, allowing in the mean Time the Heritors and Kirk-Session to call the Minister conform to this Act; and ordains Letters of Horning to be direct at the Instance of the Patron against the Heritors and others, who shall not make Payment of the said Six hundred Merks after the said Term of *Martimass* next, and likeways at the Instance of the Heritors, and others willing to pay, against these who are unwilling; and, in case the Patron be unwilling to accept the said Sum, or the Heritors and others aforesaid unwilling to pay, ordains Letters of Horning to be direct at the Instance of their Majesties Solicitor, against either of them: And further, their Majesties, with Advice and Consent foresaid, statute, enact and declare, that the Right of the Tiends of the saids Parishes, which are not heritably disposed, shall, by Virtue of this present Act, belong to the said Patrons, with the Burden always of the Ministers Stipends, Tacks and Prorogations already granted of the said Tiends, and of such Augmentations of Stipends, future Prorogations,

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rogations, and Erections of new Kirks, as shall be found just and expedient, providing the said Patrons, getting Right to the Tiends by Virtue of this present Act, and who had no Right thereto of before, shall be, likeas they are hereby obliged to sell to each Heritor the Tiends of his own Lands, at the Rate of six Years Purchase, as the same shall be valued by a Commission for Valuation of Tiends; and whereas there are certain Lands and Annualrents holden of the said Benefices, and beneficed Persons, from which the Patrons might have some Benefit arising to them, it is hereby ordained, that the Right of Superiority of the saids Lands and Annualrents shall belong to their Majesties in all Time coming, with all the whole Casualties and Emoluments thereof, notwithstanding of any former Act of Parliament in the contrair; reserving notwithstanding, to the Patrons, the Feu-Farms and Feu-Mails of the said Superiorities, ay and while they receive Payment and Satisfaction from their Majesties of the Price thereof, at the Rate of 100 Merks for each Chalder of Victual overhead; and for each hundred Merks of Feu-Mail, except where the said Feu-Farms are a Part of the Ministers modified Stipend, or where the Minister is, and has been in Possession thereof by the Space of ten Years, or where he has the full Benefice, in which Cases they are to be irredeemable. Excepting likeways from this Act the Superiorities belonging to the Deanry of *Hamilton*, and the Provostry of *Boswell*, whereunto the Duke of *Hamilton* has Right, which are noways hereby prejudged.

Act XXVII. Rescinding the Laws for Conformity. 19th July 1690.

OUR Sovereign Lord and Lady, the King and Queens Majesties, and three Estates of Parliament, considering how necessary it is for the Well and Peace of this Kingdom, and of Christ's Church within the same, as now by Law established, that the Acts following be rescinded, do therefore rescind, cass, annull and make void the *Act, Charl. 2. Parl. 1. Sess. 2. Cap. 4.* concerning Masters of Universities, Ministers, &c. *Act 5. ibidem*, concerning the Declaration to be signed by all Persons in publick Trust. *Act, Charl. 2. Parl.*

1. *Sess. 3. Cap. 2.* against Separation and Disobedience to ecclesiastick Authority. *Act, Cap. 3. ibidem*, additional Act concerning the Declaration. *Act, Charl. 2. Parl. 2. Sess. 2. Cap. 5.* against Conventicles. *Act, Cap. 6. ibidem*, against disorderly Baptisms. *Act, Cap. 7. ibidem*, against Separation and withdrawing from the publick Meetings of divine Worship. *Act, Charl. 2. Parl. 2. Sess. 3. Cap. 9.* against unlawful Ordinations. *Act, Charl. 2. Parl. 2. Sess. 3. Cap. 17.* against Keepers of Conventicles, and Withdrawers from publick Worship. *Act, Charl. 2. Parl. 3. Cap. 4.* for securing of the Peace of the Country. *Act, James 7. Parl. 1. Sess. 1. Cap. 6.* obliging Husbands to be liable for their Wives Fines. *Act, Cap. 8. ibidem*, against Preachers at Conventicles, and Hearers at Field-Conventicles. *Act, Cap. 24. ibidem*, ordaining that Tenants be obliged by their Tacks to live regularly. And generally all other Acts, Clauses and Provisions in Acts whatsoever, made since the Year 1661. *inclusive*, against Non-conformity, or for Conformity to the Church and Government thereof, as then established under Archbishops and Bishops.

Act XXVIII. Rescinding several Acts of Parliament. 19th July 1690.

OUR Sovereign Lord and Lady, the King and Queens Majesties, and three Estates of Parliament, considering that, during these late Years bypast, several Acts of Parliament have been made, which are now either useless, or found to be hurtful, do therefore rescind, cass, annull and make void, in all Time coming, the Acts of Parliament following, *viz. Act, Charl. 2. Parl. 1. Sess. 1. Cap. 17.* anent a solemn Anniversary Thanksgiving, with the *Act, Charl. 2. Parl. 2. Sess. 3. Chap. 12.* to the same Purpose. *Act, Charl. 2. Parl. 1. Sess. 2. Cap. 25.* for denouncing excommunicate Persons. And, *Parl. 1. Sess. 3. Cap. 23.* anent Sentences of Excommunication, with all other Acts of the same Import; and, but Prejudice of this Generality, all Acts enjoining Civil Pains upon Sentences of Excommunication. *Act, Charl. 2. Parl. 3. Cap. 6.* anent Religion and the Test. *Act, Cap. 18. ibidem*, asserting his Majesty's Prerogative in Point of Jurisdiction, with

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with the Acts following, made during the Reign of the late King *James*, viz. In the first Session of his first Parliament, *Act* 2. except in so far as concerns the Annexation of the Excise to the Crown. *Acts* 5, 6, 7, 8, 11, 13, 16, 17, 23, 25, 26, 27, 30, 36, 37, 40 and 42. all past in that Session of Parliament: As likeways in the second Session of that Parliament, *Acts* 1, 6, 7, 9, 13, 26, 27, 28. all past in that Parliament, with an unprinted Act also past therein, rescinding a former Act annexing the Lands and Barony of *Tarbet* to the Shire of *Gromarty*; declaring, likeas their Majesties, with Consent foresaid, hereby declares the whole foresaid Acts hereby above rescinded, to be of no Avail, Force, Strength nor Effect, in Time coming.

ACTS made Sess. 4. Parl. 1. K. William and Q. Mary.

Act VI. For the taking the Oath of Allegiance and Assurance.
23^d May 1693.

FOrasmuchas the imposing and taking the Oath of Allegiance, and the Assurance, enacted in this current Parliament, as hereto subjoined, will be a farther Security to the Protestant Religion and their Majesties Government in this present Exigence, therefore the King and the Queen's Majesties, with Advice and Consent of the Estates of Parliament, statute and ordain, That the said Oath of Allegiance be sworn, and the same, with the foresaid Assurance, be subscribed by all Noblemen and their eldest Sons, being past Twenty one Years of Age, and by all Persons in Offices and Places of publick Trust, civil, ecclesiastical and military, *to wit*, by all Members of Parliament, and Electors of Members of Parliament, all Privy-Counsellors, all Officers of State and of the Crown, all the Lords of Session, Advocates, and all others Members of the College of Justice, the Lords of Treasury and Exchequer, Lords of Justiciary, and all Members of these Courts, and all Officers and Members of the Admiralty, and all Officers and Members of the Chancery, Writers and Under-Keepers of the Privy-Seal, Post-Masters and their Clerks, all Commissioners to the Convention of

Burrows, and their Clerk, and the Servants who officiate under him, and the Agent for the Royal Burrows, the Conservator of the *Scots Privileges in Holland*, and the Factors at the Staple-Ports, all Collonels and other commissionat Officers of the Trainbands, all Persons who are or shall be Commissioners for Valuation, Re-valuation, or rectifying Valuation of Lands, and all Persons having heritable Offices from the King, not already mentioned in this Act, all Preachers and Ministers of the Gospel whatsoever, and all Clerks in Church-Judicatories and Presenters, and all Heritors voting in the Calling of Ministers, and all others whatsoever giving Voice in the said calling of Ministers at their Meeting for that Effect, all Persons in this Kingdom named or to be named Judges in Commissions of Justiciary, all Members of the Commission for Valuation of Tiends and Plantation of Kirks or other Commissions of Parliament, all Sheriffs, Stewarts, Bailies of Royalties and Regallities, Commissars and their Deputes, Clerks and Fiscals, Justices of Peace, Commissioners for the Supply and Excise, Officers of the Mint, with their Clerks and Fiscals, all Procurators before any of the Courts above mentioned, all Writers to the Signet, all publick Nottars, and other Persons employed in Writing or Agenting, the Lyon King at Arms, the Lyon-Depute, Heraulds, Macers, Pursevents and Messengers at Arms, and their Clerk, all Chamberlains, Collectors, Farmorers, Tacksmen, Sub-Collectors of their Majesties Crown-Rents, Customs, Assessment, Excise, Bishop-Rents, vacant Stipends, or any other Moneys belonging or that shall happen to belong to their Majesties; all Surveyers and Walters for the Customs and Excise, and Clerks in any of these Offices or Employments, and Clerks of Cocquets, all Magistrates, Deans of Guild with their Council, Treasurers, Counsellors, and Clerks of Burghs Royal, and of Regallity, or such as officiate for them, all Deacons of Trades, and Deacon-Conveenters in the said Burghs, and such as have any Voice in electing of Deacons of Trades, with all Clerks of Trades, all Jaylors and Keepers of Prisons, and Under-Keepers and their Clerks, and all Masters and Doctors in Universities, Colledges or Schools, and Keepers of publick Libraries, all Chaplains in Families, and Pedagogues and Governors to Children and Youth, all Officers in the Army.

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Before whom the Oaths must be taken. 195

Ports and Garrisons, and all Masters of Ships and their Mates : All which Persons, and every one of them, shall now, and in all Time coming, publicly swear the said Oath, and subscribe the same, with the Assurance, in Manner following, *viz.* The Officers of State and of the Crown, and Counsellors before the Secret Council; all Noblemen, and their eldest Sons past Twenty one Years of Age, and the chief Commanders of the Forces, before the Secret Council, or such as they shall appoint; all the Lords of Session, and all Members of the College of Justice, and others depending upon them, before the Session, or before the Privy-Council, or such as the Lords shall appoint; the Lords of Justiciary, and those depending upon that Court, in the Justice-Court; the Lords, and others Members of the Exchequer, before the Exchequer; the Lord High Admiral and the Judge, and other Officers and Members of the Admiralty, before the Court of Admiralty; all Judges having Commission of Justiciary, at the first Meeting, before they exerce by Virtue of these Commissions; the Officers and Members of the Chancellery, Writers to and Under-Keepers of the Privy Seal, before the Session, or such as the Secret Council shall appoint; Commissioners to the Convention of Burrows, the Clerk and the Servants who officiate under him, and the Agent for the Burrows, before the Convention of Burrows; the Conservator before the Convention of Burrows, or such as the Privy Council shall appoint; and the Factors at Staple-Ports, before the Conservator in his Court; Members in the Commission for the Valuation of Tiends and Plantation of Kirks, or of other Commissions, before those respective Commissions; Sheriffs, Stewarts, Baillics of Royalties and Regalities, Commissars and their Deputes, Clerks and Fiscals, before these respective Courts. Justices of Peace, Commissioners for the Supply and Excise, before their Conveener, he first qualifying himself in their Meeting; the General of the Mint, before the Secret Council, and all the other Officers of the Mint, before the General thereof; all Advocates and Procurators, before the respective Courts to which they belong; all Notars and other Persons employed in Writing or Agenting, before the Lords of Session, or such as the Council shall appoint; the Lyon King at Arms, before the Secret Council; the Lyon Depute, Heraulds, Purservants
and

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and Messengers at Arms, with the Clerk, before the Lyon in his Court; the Magers before the respective Courts wherein they serve, or before these whom the Council shall appoint; Chamberlains, Collectors, Farmors, Tacks-men and Subcollectors of the Crown-Rents, Customs, Excise, and Bishop-Rents, Surveyers, Waiters and their Clerks, before the Lords of Treasury and Exchequer, or before whom they shall appoint; Collectors of the Supply and Excise, before the Commissioners of Supply and Excise; Magistrates, Deans of Gild, with their Council, Treasurers, Counsellors, and Clerks of Burghs-Royal and Regality, Deacons of Trades, and Deacon-Conveeners, and these who have a Voice in Electing of Deacons of Trades, and Clerks of Trades, before the Council of the Burgh; Officers of the Army before the Commander in Chief, or whom he shall appoint; and Officers of Forts before the Secret Council, or such as they shall appoint; Masters of Ships and their Mates, before the Court of Admiralty, or such as they shall appoint; and all the other Persons above ranked, without any special Appointment, before such as the Privy-Council shall appoint: And their Majesties, with Consent aforesaid, statute and ordain, that the whole Persons above mentioned, shall swear the said Oath, and subscribe the same, and the Assurance, in Manner aforesaid, betwixt and the twentieth Day of *June* next; for which End all the inferior Courts are hereby dispensed with, to sit to the Effect aforesaid, excepting Electors of Members of Parliament, and Members of the Commissions above mentioned, and these giving Voice in Calling of Ministers, and such as have a Voice in Electing of Deacons of Trades, who are hereby appointed to take the said Oath, and subscribe the same, with the Assurance, as follows, *viz.* The Electors of Members of Parliament, before they elect, Members of Commissions, before they exercise the Commissions; and such as have a Voice in Calling of Ministers, or Electing of Deacons of Trades, before they give Voice in Calling of Ministers, or Electing of Deacons of Trades; and also excepting the Conservator and the Factors of the Staple-Ports, who are to swear the said Oath, and subscribe the same, and the Assurance, betwixt and the fifteenth Day of *August* next. And the said Oath and Assurance, sworn and subscribed as above, are to be recorded in
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the Registers of the respective Courts and Meetings, and the Extracts thereof, under the Clerks Hands, to be reported to their Majesties Privy Council, under the Pain of Deprivation of the Clerk, for such as are appointed to swear and subscribe, betwixt and the twentieth of *June*, to be reported betwixt and the first of *August* next; and for the rest within twenty Days after their said swearing and subscribing. And it is further statute and ordained, That all Persons who shall hereafter be advanced to, or employed in any of the foresaid Offices, Trusts or Stations, shall, at their Entry unto, and before their exercising thereof, swear the said Oath, and subscribe the same, and the Assurance, in Manner aforesaid, to be recorded in the Registers of the respective Courts, and reported to their Majesties Privy Council, within the space of forty Days after taking of the same, and exercising the foresaid Offices, Trusts, Priviledges and Employments; which Reports are to be received and taken in by the Clerks of Privy Council *gratis*. And it is hereby statute and ordained, that all Persons who shall obtain any free Gift or Donations from the Lords of their Majesties Privy Council, Treasury or Exchequer, or shall present any Signature of Pension, Remission, or containing a *De novo damus*, or of any other Casualty, except Gifts of Escheats, are to take the said Oath and Assurance, before obtaining the said Gift, or passing the said Signature; certifying such of the foresaid Persons as are, or shall be in any publick Office, Trust or Employment, or who shall own and exercise the same, without taking the said Oath and Assurance, in Manner aforesaid, they shall be deprived *ipso facto* of their said Offices, Trusts and Employments, and Ministers provided to Kirks shall be deprived of their Benefices or Stipends, and Preachers not provided to Kirks shall be punished by Banishment, or otherways as the Council shall think fit; and all the foresaid Tacksmen shall be punished as the Privy Council shall think fit: And further, that they and all other Persons, whether above ranked or not, who shall not swear the said Oath, and subscribe the same, and the Assurance, shall not be allowed to keep any Horses above an hundred Merks Price, nor any Sort of Arms more than a walking Sword; certifying such as shall be found to have Horses and Arms contrair to this Provision, either in their own, or in the keeping of others, that

that both the Owner and the Keeper shall incur the Penalty of one thousand Merks, the one Half to the Informer, and the other to their Majesties : And their Majesties, with Consent aforesaid, authorises and impowers the Lords of Privy Council to take such further effectual Methods for disarming these Persons, and seasing of their Horses above the foresaid Value, as they shall judge necessary ; as likewise they empower the Council to call before them, all or any Heritors, or other Persons, whom they shall think fit, whether above ranked or not, and to put the said Oath and Assurance to them, and, in case of their Refusal, to proceed against them by Fining, Confining, Imprisonment and Banishment, as they shall see Cause ; the Fine, if they be Heritors, to be the Double of their Cess or Supply, and further, (if the Council shall think fit) not exceeding a Years valued Rent ; and for others not Heritors, the third Part of their escheatable Goods, by and attour the other Penalties contained in the 38th Act of the second Session of this current Parliament. It is also hereby enacted, that the said Oaths of Allegiance and Assurance are in no Case to be imposed or taken severally, but jointly ; declaring hereby, that these who refuse the one, shall be holden as refusing both. And their Majesties, with Advice aforesaid, recommends to their Privy Council, to see this Act put to a due and vigorous Execution with all Diligence ; and it is hereby declared, that the foresaid general Power, granted to the Council, is to endure until the next Session of Parliament allenary. And lastly, it is hereby provided, that such as have already taken and subscribed the said Oath, and subscribed the Assurance, shall not be obliged, by Virtue hereof, to take and subscribe the same again in the same Capacity.

The Oath of Allegiance.

I A. B. do sincerely promise and swear, That I will be faithful, and bear true Allegiance to their Majesties King William and Queen Mary. So help me God.

The Assurance.

I A. B. do, in the Sincerity of my Heart, assert, acknowledge and declare, That their Majesties, King William and Queen Mary,

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Mary, are the only lawful undoubted Sovereigns of this Realm, as well de jure, that is, of Right, King and Queen; as de facto, that is, in the Possession and Exercise of the Government; and therefore I do sincerely and faithfully promise and engage, that I will, with Heart and Hand, Life and Goods, maintain and defend their Majesties Title and Government, against the late King James, and his Adherents, and all other Enemies, who, either by open or secret Attempts, shall disturb or disquiet their Majesties in the Possession and Exercise thereof.

Act XXIII. For settling the Quiet and Peace of the Church.
12th June 1693.

OUR Sovereign Lord and Lady, the King and Queens Majesties, with Advice and Consent of the Estates of Parliament, ratify, approve, and perpetually confirm the 5th Act of the 2d Session of this current Parliament, intituled, *Act ratifying the Confession of Faith, and settling Presbyterian Church-Government*, in the whole Heads, Articles and Clauses thereof; and do further statute and ordain, that no Person be admitted, or continued for hereafter, to be a Minister or Preacher within this Church, unless that he, having first taken and subscribed the Oath of Allegiance, and subscribed the Assurance in Manner appointed by another Act of this present Session of Parliament, made thereanent, do also subscribe the *Confession of Faith*, ratified in the foresaid 5th Act of the second Session of this Parliament, declaring the same to be the Confession of his Faith, and that he owns the Doctrine therein contained, to be the true Doctrine which he will constantly adhere to; as likeways, that he owns and acknowledges Presbyterian Church-Government, as settled by the foresaid 5th Act of the 2d Session of this Parliament, to be the only Government of this Church, and that he will submit thereto, and concur therewith, and never endeavour, directly or indirectly, the Prejudice or Subversion thereof: And their Majesties, with Advice and Consent foresaid, statute and ordain, that Uniformity of Worship, and of the Administration of all publick Ordinances, within this Church, be observed by all the saids Ministers and Preachers, as the same are at present performed and allowed therein, or shall be hereafter declared by the
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200 Conditions of Admission to the Church.

Authority of the same; and that no Minister or Preacher be admitted or continued for hereafter, unless that he subscribe to observe, and do actually observe the foresaid Uniformity. And for the more effectual settling the Quiet and Peace of this Church, the Estates of Parliament do hereby make an humble Address to their Majesties, That they would be pleased to call a General Assembly for the ordering the Affairs of the Church; and to the End that all the present Ministers possessing Churches, not yet admitted to the Exercise of the foresaid Church-Government, conform to the said Act, and who shall qualify themselves in Manner foresaid, and shall apply to the said Assembly, or the other Church-Judicatures competent, in an orderly Way, each Man for himself, be received to partake with them in the Government thereof: certifying such as shall not qualify themselves, and apply to the said Assembly, or other Judicatures, within the Space of thirty Days after meeting of the said first Assembly, in Manner foresaid, that they may be deposed by the Sentence of the said Assembly, and other Judicatures, *tam ab officio quam à beneficio*; and withal declaring, That if any of the saids Ministers, who hath not been hitherto received into the Government of the Church, shall offer to qualify themselves, and to apply in Manner foresaid, they shall have their Majesties full Protection ay and while they shall be admitted and received in Manner foresaid: Providing always, That this Act, and the Benefit thereof, shall noways be extended to such of the saids Ministers as are scandalous, erroneous, negligent or insufficient, and against whom the same shall be verified within the Space of thirty Days after the said Application; but these, and all others in like Manner guilty, are hereby declared to be liable and subject to the Power and Censure of the Church as accords: And to the Effect that the Representation of this Church, in its General Assemblies, may be the more equal in all Time coming, recommends it to the first Assembly that shall be called, to appoint Ministers to be sent as Commissioners from every Presbytery, not in equal Numbers, which is manifestly unequal where Presbyteries are so, but in a due Proportion to the Churches and Parochins within every Presbytery, as they shall judge convenient: And it is hereby declared, That all

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School-Masters, and Teachers of Youth in Schools, are and shall be liable to the Trial, Judgment and Censure of the Presbyteries of the Bounds, for their Sufficiency, Qualifications and Deportment in the said Office. And lastly, their Majesties, with Advice and Consent foresaid, do hereby statute and ordain, That the Lords of their Majesties Privy Council, and all other Magistrates, Judges, and Officers of Justice, give all due Assistance for making the Sentences and Censures of the Church, and Judicatures thereof, to be obeyed, or otherways effectual, as accords.

ACTS made *Sess. 5. Parl. 1. K. William and Q. Mary.*

Act XI. Against Blasphemy. 28th June 1695.

OUR Sovereign Lord, with Advice and Consent of the Estates of Parliament, does hereby ratify, approve and confirm the Twenty first Act of the first Session of the first Parliament of King *Charles II.* intituled, *Act against the Crime of Blasphemy*, in the haill Heads, Clauses, and Articles thereof, and ordains the same to be put to due and punctual Execution: And farther, his Majesty, with Advice and Consent foresaid, statutes and ordains, That whoever hereafter shall, in their Writing or Discourse, deny, impugn, or quarrel, argue, or reason against the Being of God, or any of the Persons of the blessed Trinity, or the Authority of the holy Scriptures of the Old and New Testaments, or the Providence of God in the Government of the World, shall, for the first Fault, be punished with Imprisonment, ay and while they give publick Satisfaction in Sackcloth to the Congregation within which the Scandal was committed; and, for the second Fault, the Delinquent shall be fined in an Year's valued Rent of his real Estate, and the twentieth Part of his free personal Estate, (the equal Half of which Fines are to be applied to the Use of the Poor of that Paroch within which the Crime shall happen to be committed, and the other Half to the Party Informer) besides his being imprisoned ay and while he make again Satisfaction *ut supra*; and,

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for the third Fault, he shall be punished by Death, as an obstinate Blasphemer. Likeas his Majesty, with Advice and Consent foresaid, hereby authorises and strictly requires and enjoyns all Magistrates, and Ministers of the Law, and Judges within this Kingdom, to put this present Act in Execution as to the first Fault; and does hereby impower and require all Sheriffs, Stewarts, Bailies of Bailiaries and Regalities, and their Deputes, and Magistrates of Burghs, to put this present Act in Execution as to the second Fault; and as to the third Fault, his Majesty, with Advice and Consent foresaid, remits the Execution of this present Act to the Lords of his Majesty's Justiciary.

Act XXVII. Concerning the Church. 16th July 1695.

OUR Sovereign Lord, being sensible of the Hurt and Mischief that may ensue upon the exposing of the Peoples Minds to the Influence of such Ministers who refuse to give the Proofs required by Law of their good Affection to the Government, and withal desirous, that, in the first Place, all gentle and easy Methods should be used to reclaim Men to their Duty, whereby the present Establishment of this Church may be more happily preserved, the Knowledge of the Truth, with the Practice of true Piety, more successfully advanced, and the Peace and Quiet of the Kingdom more effectually settled, hath thought good to allow, and, with Advice and Consent of the Estates of Parliament, hereby allowes to all Ministers that were at the Time of his Majesty's happy Accession to the Crown, and have since continued actual Ministers in particular Paroches, and no Sentence either of Deposition or Deprivation past against them, and have not yet qualified themselves conform to the Act of Parliament 1693. intituled, *Act for taking the Oath of Allegiance, and the Assurance*, a new and farther Day, viz. the first of September in this present Year 1695. to come in and take the said Oath of Allegiance, and to subscribe the same, with the Assurance, betwixt and the said Day, and that either before the Sheriff or Sheriff-Depute of the Shires, or the Provost or Bailies of the respective Burghs, or any other inferior Magistrate of the Bounds where they live, or before any Privy Counsellor,

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with a Certificate under the Hand of the said inferior Judges, or Privy Counsellor, to be reported to the Lords of his Majesty's Privy Council, or their Clerk, within the Space of Twenty one Days after the Date of the said Certificate; declaring, That all such as shall duly come in and qualify themselves, as said is, and shall behave themselves worthily in Doctrine, Life and Conversation, as becomes Ministers of the Gospel, shall have and enjoy his Majesty's Protection, as to their respective Kirks and Benefices, or Stipends, they always containing themselves within the Limits of their pastoral Charge within their said Paroches, without offering to exerce any Power either of licensing or ordaining Ministers, or any Part of Government in General Assemblies, Synods, or Presbyteries, unless they be first duly assumed by a competent Church-Judicatory; in which Case it is hereby farther declared, That the foresaid Ministers, first qualifying themselves as above, may be assumed by the respective Church-Judicatories to which they belong, and shall apply to partake with them in the present established Government thereof: Providing nevertheless, that as the said Ministers, who shall qualify themselves as said is, are left free to apply or not to the foresaid Church-Judicatories, so the said Church-Judicatories are hereby also declared free to assume or not assume the foresaids Ministers, though qualified, as they shall see Cause: **WITH CERTIFICATION**, That such of the said Ministers, as shall not come in betwixt and the said Day, are hereby, and by the Force of this present Act, *ipso facto* deprived of their respective Kirks and Stipends, and the same declared vacant without any further Sentence. And his Majesty, being purposed that his Grace shall be still patent to all, doeth further declare and statute, with Consent foresaid, That at what Time soever any Minister, either settled in a Church or not, shall, upon Application, be judged fit to be assumed by any competent Church-Judicatory, as said is, the foresaid Minister, upon a Certificate thereof from the said Judicatory, shall be admitted and allowed to qualify himself, by taking the Oath of Allegiance, and subscribing the same, with the Assurance, in Manner foresaid, albeit the said first of *September* be past and elapsed. And his Majesty, with Consent foresaid, allows, declares and statutes as above,

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bove, any Thing in the foresaid Act 1693. or in the other Act of the same Session of Parliament, intitled, *Act for settling the Quiet and Peace of the Church*, notwithstanding —

An ACT made *Seff. 8. Parl. 1. King William.*

*Act II. For securing of the Protestant Religion and Presbyterian Government.**

OUR Sovereign Lord, with Advice and Consent of the Estates of Parliament, ratifies, approves and perpetually confirms all Laws, Statutes and Acts of Parliament made for the establishing, maintaining and preserving of the true *Protestant Religion*, and for the true Church of Christ, as at present owned and settled within this Kingdom: As likewise, for establishing, ratifying and confirming the Presbyterian Church-Government and Discipline, that is to say, the Government of the Church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, to be agreeable to the Word of God, and the only Government of Christ's Church within this Kingdom; and particularly, without Prejudice of the Generality aforesaid, his Majesty, with Advice and Consent foresaid, ratifies, approves and confirms the fifth Act of the second Session of this current Parliament, intitled, *Act ratifying the Confession of Faith, and settling Presbyterian Church-Government*, in the haill Heads, Articles and Clauses thereof, as if at Length herein set down: But Prejudice nevertheless to the Twenty seventh Act of the fifth Session of the present Parliament, intitled, *Act concerning the Church*, as to the Allowance therein given to certain Ministers not actually assumed by the ordinary Church-Judicatures, under this Condition and Provision always expressed in the foresaid Act.

ACT

* With this Act agrees in Form, as well as Matter, *Act III. Parl. 1. Q. Anne*, begun 9th June 1702. and *Act II. Parl. 3. Q. Anne*, begun 6th May 1704.

An ACT made *Sess. 4. Parl. 1. Q. Anne*, begun 3d *October 1706.*

Act VI. For securing the Protestant Religion and Presbyterian Church-Government.

OUR Sovereign Lady and the Estates of Parliament, considering that, by the late Act of Parliament for a Treaty with *England* for an Union of both Kingdoms, it is provided, That the Commissioners for the Treaty should not treat of or concerning any Alteration of the Worship, Discipline and Government of the Church of that Kingdom, as now by Law established; which Treaty, being now reported to the Parliament, and being reasonable and necessary that the true Protestant Religion, as presently professed within this Kingdom, with the Worship, Discipline and Government of this Church, should be effectually and unalterably secured, therefore her Majesty, with Advice and Consent of the said Estates of Parliament, doth hereby establish and confirm the said true Protestant Religion, and the Worship, Discipline and Government of this Church, to continue without any Alteration to the People of this Land in all succeeding Generations; and more especially, her Majesty, with Advice and Consent aforesaid, ratifies, approves, and for ever confirms the fifth Act of the first Parliament of *K. William and Q. Mary*, intitled, *An Act ratifying the Confession of Faith, and settling Presbyterian Church-Government*, with the haill other Acts of Parliament relating thereto, in Prosecution of the Declaration of the Estates of this Kingdom, containing the *Claim of Right*, bearing Date the eleventh of *April 1689*. And her Majesty, with Advice and Consent foresaid, expressly provides and declares, that the foresaid true Protestant Religion, contained in the above mentioned Confession of Faith, with the Form and Purity of Worship presently in Use within this Church, and its Presbyterian Church Government and Discipline, that is to say, the Government of the Church by Kirk-Sessions, Presbyteries, Provincial Synods and General Assemblies, all established by the foresaid Acts of Parliament, pursuant to the *Claim of Right*, shall remain and continue unalterable, and that the said Presbyterian Government shall be

be the only Government of the Church within the Kingdom of Scotland: And farther, for the greater Security of the foresaid Protestant Religion, and of the Worship, Discipline and Government of this Church, as above established, her Majesty, with Advice and Consent foresaid, statutes and ordains, that the Universities and Colleges of *St. Andrews, Glasgow, Aberdeen and Edinburgh*, as now established by Law, shall continue within this Kingdom for ever; and that, in all Time coming, no Professors, Principals, Regents, Masters, and others bearing Office in any University, College or School within this Kingdom, be capable, or be admitted or allowed to continue in the Exercise of their said Functions, but such as shall own and acknowledge the civil Government, in Manner prescribed, or to be prescribed by the Acts of Parliament; as also that, before or at their Admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid Confession of Faith, as the Confession of their Faith, and that they will practise and conform themselves to the Worship presently in Use in this Church, and submit themselves to the Government and Discipline thereof, and never endeavour, directly nor indirectly, the Prejudice or Subversion of the same, and that before the respective Presbyteries of their Bounds, by whatsoever Gift, Presentation or Provision they may be thereto provided. And farther, her Majesty, with Advice foresaid, expressly declares and statutes, that none of the Subjects of this Kingdom shall be liable to, but, all and every one of them, for ever free of any Oath, Test or Subscription within this Kingdom, contrary to or inconsistent with the foresaid true Protestant Religion, and Presbyterian Church-Government, Worship and Discipline, as above established, and that the same, within the Bounds of this Church and Kingdom, shall never be imposed upon or required of them in any Sort; and, lastly, that, after the Decease of her present Majesty (whom God long preserve) the Sovereign succeeding to her in the Royal Government of the Kingdom of *Great-Britain*, shall, in all Time coming, at his or her Accession to the Crown, swear and subscribe, that they shall inviolably maintain and preserve the foresaid Settlement of the true Protestant Religion, with the Government, Discipline, Worship, Rights and Privileges of this

this Church, as above established by the Laws of this Kingdom, in Prosecution of the *Claim of Right*. And it is hereby statute and ordained, that this Act of Parliament, with the Establishment therein contained, shall be held and observed, in all Time coming, as a fundamental and essential Condition of any Treaty or Union to be concluded betwixt the two Kingdoms, without any Alteration thereof, or Derogation thereto in any Sort for ever; as also that this Act of Parliament, and Settlement therein contained, shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the two Kingdoms, and that the same shall be therein expressly declared to be a fundamental and essential Condition of the said Treaty or Union in all Time coming.



A N

A B R I D G M E N T

OF THE

L A W S respecting RELIGION,

From the *Restoration* (1660.) to the *Revolution* (1688.) not contained in the foregoing Collection.

CHARLES II. Parl. 1. begun January 1. 1661.

Act I. Concerning the President and Oath of Parliament.

BY this Act the Lord Chancellor, or who shall be nominate by the King to preside in Parliaments, or other Judicatories, shall, at their Downsitting, administrate to all
its

its Members the Oath of Allegiance and Oath of Parliament, acknowledging the King's Supremacy over all Persons, and in all Causes, and all Acts contrary hereunto are rescinded.

Act IV. Asserting his Majesty's Royal Prerogative in making of Leagues, and the Conventions of the Subjects.

THIS Act ratifies Act 131. p. 28. and Act 12. p. 29. and declares, That the explaining this Act so as not to extend to Leagues and Bands made for preserving the King, Religion and Laws, for the Good of Kirk and Kingdom, is false and disloyal.

Act VI. Annulling the pretended Convention of Estates kept in the Year 1643.

Hereby the Convention of Estates 1643. with all the Acts thereof, are rescinded, as held and made without Warrant from his Majesty.

Act VII. Concerning the League and Covenant, and discharging the renewing thereof without his Majesty's Warrant and Approbation.

THIS Act ordains, That the League called *The Solemn League and Covenant*, and all that followed thereon, are not obligatory on this Kingdom to meddle or interpose, by Arms or any seditious Way, in any Thing concerning the Religion and Government of the Churches of *England* and *Ireland*, or his Majesty's Government there; and that none require the renewing or swearing, or renew and swear the said League and Covenant, or any other Covenant, or Oath, concerning the Government of the Church or Kingdom, without his Majesty's special Warrant and Approbation, under all highest Peril.

Act VIII. Against Papists, Priests and Jesuits.

BY this it is appointed, That Papists be presented that they may be prosecuted according to Law; and that Children, under Popish Parents, Tutors or Curators, be taken from them, and committed to the Education of some well-

well-affected and religious Friend, at the Sight and by the Order of the Privy Council; and that all Jesuits, Priests, and trafficking Papists, betwixt and the last of *March 1681* remove furth of the Kingdom under the Pain of Death.

Act XI. For taking the Oath of Allegiance, and asserting the Royal Prerogative.

BY this Act all Officers of State, Members of Privy Council, Session or Exchequer, Justice-General, Admiral, Sheriffs, Commissaries, and their Deputes and Clerks; and all Magistrates and Councils of Butghs, must, at their Admission to their Offices, take and swear the Oath of Allegiance, owning the King Supreme over all Persons and in all Causes; — and, at their utmost Power, defend and maintain his Majesty's Jurisdiction aforesaid, and shall never decline the same; — and also assert, under their Hand, his Majesty's Prerogative in Manner set down in the Act; (partly evident from the foregoing Abridgments :) As also, that all Persons required by the Privy Council, or any having Power from them, shall be obliged to swear the said Oath, certifying, that Refusers shall not only be incapable of publick Trust, but also looked upon as disaffected to his Majesty's Government; and such as shall refuse to assert the Prerogative, shall from thenceforth be incapable of publick Trust. But this Act is in general Terms discharged and innovate by the Claim of Right, p. 182.

Act XVI. Concerning Religion and Church-Government.

Herein the King, with Advice of Parliament, declares his full and firm Resolution to maintain the true Protestant Religion, in its Purity of Doctrine and Worship, as established in his Father and Grandfather's Times, and to promote the Power of Godliness, and encourage the Exercise of Religion, and suppress all Profaneness, and to give Countenance and Protection to the Ministers behaving as becomes; as also to settle the Government of the Church as shall best suit God's Word, Monarchy, and the Kingdom's Peace, and in the mean Time continues Kirk-Sessions, Presbyteries

and Synods behaving peaceably, notwithstanding the Act Re-
cessory, p. 169.

*Act XVII. For a solemn anniversary Thanksgiving for his Ma-
jesty's Restoration to the Royal Government of his Kingdoms.*

Hereby the Twenty ninth of May yearly is appointed for the solemn Commemoration of the King's Restoration; and, for that End, that it be set apart as an holy Day unto the Lord, and be employed in Prayer, Preaching and Praising, and lawful and suitable Divertisements, with Abstinence from all Handy-Labour and other ordinary Employments. And this Act, as to the Narrative, is altered, Act 12. Sess. 3. Parl. 2. Charles II. 1679. and the Words of the Appointment renewed in other Terms, and the Not-Observers ordained to be fined and otherways punished by the Council, and other Judges ordinary, according to their Condition. But, as to the religious Observance of that Day, these Acts were both rescinded at the Revolution, as in p. 192.

Act XVIII. For the due Observation of the Sabbath-Day.

By this Act is ratified all Acts made for the Observation of the Sabbath, and discharging all Salmon-Fishing, going of Salt-Pans, Mills or Kilns, hiring of Shearers, carrying of Loads, keeping of Markets, and using of Merchandize on that Day, and all other Profanations thereof, under the Pain of 20 L. for each Salt-Pan, Mill or Kiln, and 10 L. for each other Profanation, to be applied as in the Act anent Justices of Peace, and that the Insolvent be punished in their Persons. And this Act is ratified by Act 22. Sess. 3. Parl. 2. Charles II.

Act XIX. Against Swearing and excessive Drinking.

This Act ratifies former Laws against Drunkenness, Cursing and Swearing: And further, who blaspheme, swear, curse or drink to Excess, shall pay, the Nobleman 20 L. the Baron 20 Merks, the Gentleman, Heritor or Burghers 10 Merks, the Yeoman 40 Shillings, the Servant 20 Shillings, *toties quoties*, and the Minister the fifth Part of his Stipend,

Stipend; to be applied as in the Act anent Justices of Peace, and the Insolvent to be punished in their Persons. And this Act is ratified, Act 22. Sess. 3. Parl. 2. *Charles II.*

Act XX. Against Cursing and Beating of Parents.

THis Act, except the Preamble, is precisely in the Stile of Act 133. p. 153.

Act XXI. Against the Crime of Blasphemy.

THis Act, except the Preamble, is precisely in the Stile of Act 28. p. 149. with the Addition, That it shall not be drawn farther back than the 17th February 1649.

Act XXV. For denouncing of Excommunicate Persons.

THis Act ratifies all the Acts of Parliament or Council, preceeding the Year 1640. against excommunicate Persons; and that, Forty Days after Sentence. Letters be direct by the Lords of Privy Council or Session, at the Instance of the King's Advocate, for denouncing them Rebels; and that the same, being done at the Cross of *Edinburgh* and Pier and Shore of *Leith*, shall be sufficient for Caption and Escheat, providing that the Process of Excommunication be first exhibite to the Lords of Session, in Session Time, to consider the same: But this Proviso is rescinded, Act 23. Sess. 3. Parl. 1. *Charles II.* And both these Acts, with all other Acts of the same Import, and all Acts enjoining civil Pains upon Sentences of Excommunication, are rescinded, p. 192.

Act XXXIV. Against clandestine and unlawful Marriages.

THis Act ordains, That whoever marries in a clandestine unorderly Way, or by Persons not authorised by the Kirk, shall be imprisoned for three Months, and beside shall pay, the Nobleman 1000 L. the Gentleman and Burges 500 L. and each other Person 100 Merks, and that they remain in Prison while they pay, and the Fines to be applied to pious Uses in the Parish where they dwell; that the Celebrator be banished, not to return under the Pain of Death; that none of the Parties, where both reside in *Scotland*, get themselves

themselves married in England or Ireland, without Proclamation of Banns in Scotland, and against the Order of this Kirk, under the Pains, a Nobleman 1000 L. a landed Gentleman 1000 Merks, a Burghess 500 L. each other substantial Person 500 Merks, a Yeoman 100 L. and each inferior Person 100 Merks, Half to the King, Half to the Parish, and that the King or Kirk's Advocate pursue the Contraveeners of this Act, and that such as are unable to pay be punished, with Stocks and Irons, and all without Prejudice of the Kirk-Censures. But these Pains are varied, as after noticed.

CHARLES II. Parl. 1. Sess. 2. begun 8th May 1662.

Act I. For the Restitution and Re-establishment of the ancient Government of the Church by Archbishops and Bishops.

His Majesty and the Estates of Parliament, finding Episcopal Government to be most agreeable to the Word of God, effectual for preserving of Truth and Unity, and suitable to Monarchy and the publick Peace, redintegrate the State of Bishops to their ancient Rights and Places, and restore them to the Exercise of their Function in the Church, Power of Ordination, Censures and Discipline, to be performed by them, with Advice of such of the Clergy as they shall think fit, ratifying all Acts formerly made in their Favour, and all Acts in the contrary and for Presbyterian Government, especially the Act 7a. VI. Parl. 12. Cap. 113. are rescinded. *Item*, They are restored to their Commissariats and Quotes, according to the Act 7a. VI. Parl. 20. Cap. 6. but Prejudice to the present Commissaries their Clerks and Ecclesiasticals of their Places. *Item*, All Gifts and Deeds, past by whatsoever Authority, to their Prejudice since the Year 1637. are made void, and they are repossessed for the Year 1661. as they possessed in the Year 1637. And this Act is ratified, Act 2. Sess. 3. Parl. 1. Charles II. But they are both rescinded, as in p. 186.

ART. II. For Preservation of his Majesty's Person, Authority and Government.

THIS Act declares that these Positions, *That it is lawful to Subjects, upon Pretence of Reformation, or other Pretence whatsoever, to enter into Leagues and Covenants, or to take up Arms against the King, or that it is lawful to Subjects, pretending his Majesty's Authority, to take up Arms against his Person, or those commissioned by him, or to suspend him from the Exercise of his Royal Government, or to put Limitations upon their due Obedience and Allegiance,* are rebellious and treasonable, and that all these Gatherings, Convocations, Petitions, Protestations, and erecting and keeping of Council-Tables that were used in the Beginning, and for carrying on of the late Troubles, were unlawful and seditious; and particularly that these Oaths, whereof the one was commonly called *The National Covenant* (as it was sworn and explained in the Year 1638, and thereafter) and the other, intituled, *The Solemn League and Covenant*, were and are in themselves unlawful Oaths, and were taken by and imposed upon the Subjects against Law, and that there lieth no Obligation upon any of them from the said Oaths, or either of them, to endeavour any Change of Government either in Church or State, and therefore annuls all Acts and Constitutions, ecclesiastical or civil, approving the said Covenants, or making any Interpretations thereof; as also that the General Assembly kept at *Glasgow* 1638. was in itself an unlawful and seditious Meeting, and that all Acts and Deeds done therein, or by Virtue thereof, were, and in all Time coming are, null and void. And it is enacted, That whoever by writing, printing, praying, preaching, or otherways, express, publish or declare any Words or Sentences to stir up the People to the Hatred of the Royal Prerogative, or Supremacy in Causes ecclesiastick, or of the Government of the Church by Archbishops and Bishops, or to justify any of the Deeds, Actings, &c. above mentioned and declared, being legally convicted thereof, shall be incapable of all Trust, and punished as the Law directs.

Act III. Concerning such Benefices and Stipends as have been possessed without Presentations from the lawful Patrons.

ALL Ministers entering in or since the Year 1649. at which Time Patronages were unjustly abolished, are declared to have no Right to Benefice, Stipend, Manse or Glebe for this Year 1662. or hereafter, but their Kirks to be vacant, unless they receive Presentation from the Patron, and Collation from the Bishop, betwixt and the 24th of September next; but Patronages were abolished, as in p. 188.

Act IV. Concerning Masters of Universities, Ministers, &c.

Hereby it is provided, That no Masters, Principals, Regents or Professors, be admitted or continued in any University or College, unless they own Episcopal Government as now established, and that they swear the Oath of Allegiance, and that Ministers keep and observe the Bishop's Visitation and Diocesan Assembly, and concur with the Bishop (as required) for the Exercise of Discipline, under the Pain of Suspension for the first, and Deprivation for the second Fault, from both Office and Benefice. But this Act is rescinded at the Revolution, as in p. 191.

Act V. Concerning the Declaration to be signed by all Persons in publick Trust.

BY this Act it is ordained, That all in publick Trust, do before their Admission thereto, and under Pain of being punished as Usurpers of his Majesty's Authority, sign the Declaration therein set down, judging it unlawful to Subjects, upon Pretence of Reformation, or otherways, to enter into Leagues and Covenants against the King; that the Gathering, &c. anno 1638. were unlawful and seditious; that the National Covenant, as sworn and explained anno 1638*. and there.

* The National Covenant, as sworn anno 1580. is not expressly condemned here, and the Reason is, because, according to K. Charles's large Declaration and Proclamations against the Covenanters, anno 1638. it did not abjure Episcopacy; but as the Covenant, as sworn anno 1638. was in nothing different from that in the 1580. it is evident, that the Parliament, by condemning the one in special, do also condemn the other virtually and in general.

thereafter, and the Solemn League, were and are in themselves unlawful Oaths, and were taken and imposed contrary to fundamental Laws, and that there lieth no Obligation from the said Oaths, or either of them, to endeavour any Change of the Government in Church or State, as now established. But this Act is rescinded, p. 191.

CHARLES II. Parl. 1. Sess. 3. begun June 18. 1663.

Act II. Against Separation and Disobedience to ecclesiastical Authority.

Hereby it is ordained, That such as ordinarily absent themselves from their Parish Kirks on the Lord's Day, incur the Pains following: Each Nobleman, Gentleman and Heritor, the Loss of a Fourth of each Year's Rent, and each Yeoman or Tenant, the Loss of such a Part of their Moveables as the Lords of Council shall modify, not exceeding a Fourth, and every Burgess his Liberty, and the Fourth of his Moveables; and the Council is to execute this Act against all, who, after Admonition of the Minister before two sufficient Witnesses, and by him so attested, shall be given up to them, with Power to them to inflict farther corporal Pains as they shall judge necessary, and to do every other Thing for procuring Obedience to this Act, and for the the executing thereof. This Act contains also a Ratification of the first, third and fourth Acts of the second Session of this Parliament, but is rescinded, as in p. 192.

Act III. Additional Act concerning the Declaration to be signed by all Persons in publick Trust.

BY this the Declaration (abridged in the preceeding Page) is again enjoined, with the Method how and when the same is to be signed by all in present Trust, and such as refuse, when elected to be Magistrates, Clerks. or of the Council of Burghs, to sign this Declaration, do also farther amit their Liberty as Burgesses. But this Act is rescinded, as in p. 192.

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Act V. For the Establishment and Constitution of a National Synod.

His Majesty, by Virtue of his Prerogative Royal and supreme Authority in Matters Ecclesiastical, appoints that there be a National Synod; whereby he hath the Power of proposing, by the Archbishop of *St. Andrews* President, and is always to be present by himself or his Commissioners, and no Act to be valid unless agreed to by the President and major Part, and unless it be consistent with his Majesty's Prerogative and the Laws, and be confirmed by his Majesty or his Commissioner. But this Act is rescinded, as in *p. 186.*

Act XIX. Discharging Monday and Saturday Mercats in Royal Burghs.

This is obvious from the Title, with which it agrees.

CHARLES II. Parl. i. begun October 19. 1669.

Act I. Asserting his Majesty's Supremacy over all Persons, and in all Causes Ecclesiastical, November 16. 1669.

This Act asserts his Majesty's Supremacy over all Persons, and in all Causes Ecclesiastick, and that, by Virtue thereof, the Ordering and Disposal of the external Government and Policy of the Church doth belong to him and his Successors, as an inherent Right to the Crown, and that he may enact and emit such Constitutions, Acts and Orders concerning the Administration of the said Government and Persons employed in the same, and concerning all Church-Meetings, and Matters to be proposed and determined therein, as he shall think fit, and all Laws and Customs in the contrary are rescinded. But this Act is rescinded at the Revolution, as in *p. 182, 183.*

Act XI. Concerning the Forfeiture of Persons in the late Rebellion. December 15. 1669.

THis Act ratifies the Process and Doom of Forfeiture led and pronounced against Twenty one Persons named in the Act, (Seven of which were Ministers or Preachers) for the Rebellion 1666. (*viz. Pentland Fight*) before and by the Justices, albeit the Parties were absent, and this made a Rule in Time coming. But this Forfeiture is taken off, Act 18. Sess. 2. Parl. 1. K. William and Q. Mary.

CHARLES II. Parl. 2. Sess. 2. begun July 28. 1670.

Act II. Against such who shall refuse to depone against Delinquents. August 3. 1670.

Hereby it is declared to be the Duty of every Subject, without Exception, to declare and depone upon Oath, when called by the Privy Council, or any other having Authority from his Majesty, their Knowledge of any Crime against the publick Laws and Peace of the Kingdom, especially of Conventicles and other unlawful Meetings, and of the Persons present, and Things done therein, or of the resetting or intercommuning with Fugitives and Rebels; and that those who refuse or delay be punished by Fining, Imprisonment, or Banishment to the Plantations in the *Indies*, or elsewhere, as the Council shall think fit. But this Act is rescinded, p. 186.

Act V. Against Conventicles. August 13. 1670.

Hereby it is ordained, That no outed Minister, or other not licensed by the Council, or by the Bishop, preach, expone Scripture, or pray in any Meeting, except in their own Houses, and to those of their own Families, and that none be present at any such unlawful Meeting under the Pain of being guilty of keeping Conventicles, and the Preacher, Exponer, or Prayer, to be imprisoned until he find Caution, under the Pain of 5000 Merks, not to do the like, or

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banish himself to remove out of the Kingdom, and not to return without his Majesty's Licence; and the Persons present to be fined, each Heritor, Liferenter, or Wadsetter, in a Fourth of his valued Rent; each Tenant and Merchant, or chief Tradesman outwith Burghs Royal, in 25 L. and each Cottar and inferior Tradesman in 12 L. and each Serving-Man in the Fourth Part of his Year's Fee; and that, for Wives and Children in Family transgressing, the Half of the said respective Fines be paid; and, if the Master or Mistress of the House be present, that they be fined in the Double; and that all be imprisoned until they make Payment, and further at the Council's Pleasure; and Magistrates of Burghs Royal are declared to be liable for every Conventicle within Burgh, as the Council shall determine; for which they shall have their Relief off the Master of the House, and others present, at the Sight of the Lords of Council, reserving nevertheless to the Privy Council to fine the said Inhabitants, if they please, for Conventicles either within or without Burgh. *Item*, That who, unlicensed as said is, shall preach, expone Scripture, or pray at a Field-Meeting, or in any House where there be more nor the House contains, so as some be without Doors, (which is declared to be a Field-Conventicle) or who shall convocate any Number to these Meetings, that they be punished with Death and Escheat of Goods, and the Apprehenders of such Persons to have 500 Merks Reward, and Heritors, &c. and all others present, to be fined in the Double of the Fines above set down, but Prejudice of any other Punishment due by Law; and the Execution of the Act is committed to Sheriffs, Stewards, and Lords of Regality, giving to them the Fines of all, except Heritors, for whose Fines they are to be countable; and they and Magistrates of Burghs are declared punishable for Negligence: And this Act to endure for three Years, unless his Majesty continue it longer. And by Act 17. Sess. 3. Parl. 11. Charles II. (1672.) intituled, *Act against Keepers of Conventicles and Withdrawers from publick Worship*, the above Act is continued for other three Years, and longer as his Majesty shall appoint: And it is ordained, That Magistrates of Burghs be careful to execute the same upon their own Burgesses; and that they, and the other Judges a-

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bove named, be diligent, and give account of their Diligence yearly, the first *Thursday* of *July*, to his Majesty's Council, under the Pain of 500 Merks. And by Act 4. Parl. 3. *Charles II.* intituled, *Act for securing the Peace of the Country* (1681.) the foresaid Pains of Field-Conventicles are doubled, except as to Burgeses of Burghs-Royal, and of Regality and Barony, and they, beside the former Fine, are ordained to lose their Burgeships, and be banished the Town; and that Landlords and Masters be liable for their Tenants, Cottars and Servants sentenced for Field-Conventicles, or Reset of Preachers intercommuned or declared fugitive, either to pay their Fines, or to put them out of their Lands or Service, or present them to Justice, as in the Act; and that whoever resets any Servant, Tenant or Cottar, thus put away, shall be liable to the Master in three Years Fee of the Servant; and any other Heritor, resetting such Tenant or Cottar, shall be liable in three Years Duty to the Heritor who put them away, and in 100 L. to the King. But that these Acts were rescinded at the Revolution, see p. 182, 192.

Act VI. Against disorderly Baptisms. August 17. 1670.

Hereby it is ordained, That none baptize their Children but by the Minister of their own Parish, or by a licensed Minister, upon a Certificate from him, or, in his Absence, from a neighbouring Minister, under the Pains, every Heritor, Liferenter, or Wadsetter, of a fourth Part of his valued Rent; every Person above the Degree of a Tenant, and every considerable Merchant, 100 L. every inferior Merchant, or considerable Tradesman, and every Tenant, 50 L. every meaner Burges or Cottar 20 L. and every Servant a Half-Year's Fee; and the Execution is committed to the same Judges, as in the last Act. And this Act, and the Pains thereof, is, by Act 11. Sess. 3. Parl. 11. *Charles II.* 1672. extended to such as keep their Children unbaptized for the Space of 30 Days, or produce not a Testificate under the Minister of the Parish his Hand, or, if the Kirk be vacant, under a neighbouring Minister's Hand, that the Children were baptized within

within the said Space. But the first of these Acts was rescinded at the Revolution, as in p. 192.

Act VII. Against Separation and withdrawing from the public Meetings of divine Worship. August 20, 1670.

THis Act ordains, That all his Majesty's Subjects of the reformed Religion attend the Worship in their own Churches, and that who shall withdraw for three Lord's Days together, without just Excuse, be fined as in the Act; which Act is to be execute as the two last: And if an Heritor, Liferenter, or Wadsetter, fined thereafter, withdraw for a Year, the Council, upon the inferior Judge his Dilation, may oblige them to sign a Bond not to rise in Arms; and, if they refuse, they are to be secured by Banishment, or otherways they amir to the King their simple and liferent Escheat. And this Act is appointed to continue for three Years, unless his Majesty continue it longer; and that it be without Prejudice of the Church's Censures. But the same is rescinded, p. 192.

CHARLES II. Parl. 2. Sess. 3. begun June 12. 1671.

Act IX. Against unlawful Ordinations. July 24. 1672.

THis Act prohibits any to ordain Ministers but such as are authoris'd thereto by Law; and that none take Ordination from any other, declaring all Ordinations since the Year 1661, or hereafter otherways made, to be null, and the Persons ordained to be no Ministers; and that both the pretended Ordainers and Ordained be seized by the ordinary Magistrates, and presented to the Council, who are impow'ed to punish them by Confiscation, Banishment, or perpetual Imprisonment, unless released by Warrant under his Majesty's Hand. But this Act is rescinded, p. 192.

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CHARLES II. Parl. 3. begun *July 28. 1681.*

Act I. Ratifying all former Laws for the Security of the Protestant Religion. August 13. 1681.

Hereby is generally ratified all Laws made by *James VII Charles I.* and *Charles II.* for settling and securing the Liberty and Freedom of the true Kirk of God, and the Protestant Religion presently professed within this Realm, and all Acts against Popery.

Act VI. Anent Religion and the TEST. August 31. 1681.

This Act commands the Laws made against Papists and fanatick Separatists, Conventicles, disorderly Baptisms and Marriages, and irregular Ordinations, to be put to full and vigorous Execution; Ministers are to give up, in *October* yearly, to their Ordinaries, exact Lists of all such in their Parishes; the Bishops to give in a Double to the Judge ordinary, and he to account to the Privy-Council in *December* yearly; and that all Persons in publick Trust or Employment, Ecclesiastical, Civil or Military, (the Act contains a long and particular Enumeration) sign the Test subjoined to the Act in Manner therein set down*, (the King's lawful Brothers and Sons only excepted) under the Pain of being declared incapable of publick Trust, and amitting their moveable

* Hereby they did swear, That they professed the true Protestant Religion contained in the old Confession, ratified p. 7. that they should adhere thereto, and educate their Children therein, and never consent to any Change contrary thereto, and renounce all Principles and Practices contrary to the said Religion and Confession: That the King is the only supreme Governor of this Realm, over all Persons and in all Causes, as well Ecclesiastical as Civil, and renouncing all foreign Jurisdictions: That it is unlawful for Subjects, upon Pretence of Religion, to enter into Covenants or Leagues, or to convocate or conven in Councils, Conventions or Assemblies, to treat, consult or determine in any Matter of State, Civil or Ecclesiastick, without the King's special Command or Licence, or to take up Arms against the King, or those commissioned by him; and that they should never so rise in Arms, or enter into such Covenants or Assemblies; and that there lay no Obligation upon them, from the National Covenant or Solemn League, to endeavour any Change in Church or State as then established; and that they should maintain and defend his Majesty's Jurisdiction aforesaid, and never decline the same.

moveable and liferent Escheats; one Half to the Informer, the other to the King; and that the Privy-Council see this Act put to Execution. And, by the 25th Act of the same Session of Parliament, the Enumeration of publick Trusts, set down in the former Act, is extended. But this Act is rescinded, p. 186, 191.

Act XVIII. Asserting his Majesty's Prerogative in Point of Jurisdiction. September 16. 1681.

THIS Act decalres, That, in respect his Majesty is the Fountain of all Jurisdiction within this Kingdom, therefore; notwithstanding of the Offices conferred upon any, yet he may by himself, or any commissionate by him, take Cognizance and Decision of any Cases or Causes he pleases. But this Act is rescinded, p. 192.

JAMES VII. Parl. 1. Sess. 1. begun April 29. 1686.

Act I. For Security of the Protestant Religion.

THIS Act contains a general Ratification of all Acts and Statutes for the Security and Liberty of the true Church of God, and the Protestant Religion presently professed.

Act II. A Declaration and Offer of Duty by the Kingdom of Scotland.

THIS contains a Declaration of the King's sovereign and absolute Power and Authority, with an Offer of Lives and Fortunes to his then Majesty, and Resolve to give him entire Obedience without Reserve; but is rescinded, as in p. 193.

Act IV. Concerning Witnesses in Processes for Treason.

BY this Act, Witnesses cited in the Cases of Treason, Field or House-Conventicles, or Church Irregularities, refusing to depone, are declared liable as themselves guilty of these

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these Crimes; but provided that these Depositions do not militate against the Deponent *.

Act V. Declaring it Treason to take or own the Covenants.

THis Act declares the giving or taking of the National Covenant, as explained 1638. or of the League and Covenant, or writing in Defence thereof, or owning of them as obligatory, declared to be the Crime of Treason. But this Act, as to the Crime of Treason, is rescinded, as in p. 193.

Act IV. Obliging Husbands to be liable for their Wives Fines.

Hereby the Procedure of the Privy Council, &c. in fining Husbands for their Wives withdrawing from the Ordinances, are approved and declared legal, and ordained to be observed in Time coming. But this Act is rescinded, as in p. 192, 193.

Act VII. Anent Porterfield of Duchal, and concealing of Supply given to Rebels.

Hereby Duchal's Forfeiture is approved, and it is declared, That the concealing and not revealing of Supplies given to or demanded for Traitors, forfeited for Treason against the King's Person or Government, is Treason, and to be judged accordingly; but this Act is rescinded, as in p. 193.

Act VIII. Against Preachers at Conventicles, and Hearers at Field-Conventicles.

This Act ordains, That Preaching in fanatical House, or Field-Conventicles, and Presence for hearing at Field-Conventicles, to be punished by Death and Confiscation. But this Act is rescinded, as in p. 192, 193.

Act X. Concerning judicial Confessions before the Commissioners of Justiciary.

Hereby the Confession of a Pannel emitted before the Justiciary, though he do not sign, is declared as probative to

* The Laws against Conventicles and Church-Irregularities being rescinded, as already noticed, the rescinding of this Act follows of Course.

to Assizes, as if emitted in their Presence, notwithstanding of the 90th Act of the 11th Parl. of K. Ja. VI. and Assizers, assailing in Cases of such Confession, are to be liable to Processes of Error.

Act XI. Obliging Persons to accept Offices.

THIS Act ordains, That such as refuse to accept of Offices or Employments laid on them by the King or Council, be fineable by the Council. But this Act is rescinded, as in p. 193.

Act XIII. For taking the Test.

Hereby the Act for taking the Test is extended to all Protestant Heritors, Liferenters, Tacksmen, Shipmasters, Burgeses, &c. and the Refusers are to be fined at the Discretion of the Council, with an Exception as to Women. But this Act is rescinded, p. 193.

Act XVI. Anent Justices of Peace.

BY this Act the Justices Powers are, *inter alia*, extended to Church-Irregularities and Non-Conformity; but the same is rescinded, as in p. 193.

Act XVII. For taking the Oath of Allegiance.

Hereby it is ordained, That all take and swear the Oath of Allegiance, and assert the Prerogative whenever required by the Privy-Council, Justice-Court, or any commisionate by them, under such Pains as they shall determine, Life and Limb excepted. But this Act is rescinded, p. 193.

Act XXIII. Ratifying the Opinion of the Lords of Session anent those who refuse to depone anent the late treasonable Proclamation.

THIS Act ratifies the Opinion of the Lords of Session, That, if any questioned by Judges or Commissioners, whether they own a Proclamation declaring War against the King, and asserting it lawful to kill all that serve him, shall not

not disown the same, they are guilty of High-Treason, and Art and Part of the said Proclamation. But this Act is rescinded, as in p. 193.

Act XXIV. Ordaining that Tenants be obliged by their Tacks to live regularly.

Hereby it is ordained, That Tacks, as well in Burgh as Landward, contain a Clause whereby the Tenant shall oblige himself, that he, his Family, Cottars and Servants, shall live peaceably and regularly, free of all fanatical Disorders, under the Pain of the Tenant, Cottar or Servant, losing the Half of their Moveables *respectively*, and Tacks unrun are ordained to be renewed in this Form. But this Act is rescinded, as in p. 193.

Act XXV. Ratifying two Acts of Parliament, and a Proclamation of Council anent apprehending Rebels.

This Act contains a Ratification of the Acts *Ja. VI. Parl. 12. Cap. 124.* for apprehending, and against the Reset of Rebels, with a most strict Proclamation of Council thereon founded for that Effect, dated 8th July 1682. But this Act is rescinded, as in p. 193.

Act XXVI. Concerning Adjudications for Fines.

By this Act, Adjudications for Fines for the Crimes of Reset, Intercommuning, Concealing of Treason, Conventicles, irregular Baptisms, Marriages, or other Church-Disorders or Irregularities, are ordained to expire within Year and Day, and preferred to all the *pari passu*. But this Act is rescinded, as in p. 193.

Act XXVII. For securing Sea-Passengers.

By this Act, all Masters of Ships are prohibite from either receiving or exporting, or suffering to depart, any Passengers, until he bring them before the next Magistrate, there to account for themselves; but is rescinded p. 193.

Act XXX. Approving the Narrative of the Plot.

Hereby the Discovery and Narrative of the Plot 1685. is approved; but the same is rescinded, as in p. 193.

Act XXXVI. Anent the Address of the Estates against the Arch-Traitor Archibald Campbell, sometime Earl of Argyle.

IN consequence of an Address from the Estates, *Argyle* was secluded from his Majesty's Favour, and he, his Family, and the Heritors, Ringleaders and Preachers, who joined him, declared ever incapable of Mercy; but the Clauses thereof against Mercy and Intercessions annulled, *Cap. 25. Sess. 2. ibid.* and both these rescinded, as in p. 193.

Act XXXVII. For the Clergy.

THis Act ratifies the Acts, *Char. II. Parl. 2. Sess. 1. Cap. 5. and Sess. 2. Cap. 4. and Parl. 3. Cap. 15.* and the assaulting of the Lives of Bishops, or other Ministers, or the invading or robbing their Houses, or the actual attempting thereof, to be punished with Death and Confiscation; and that the Parishioners, where a Minister comes to be assassinated or murdered, be fineable as the Council shall see Cause, and the Fine to be given to the Wife and Bairns, and, failing of them, to his nearest of Kin, and the conforming Parishioners to be reimbursed by the non-conforming, or others found accessory, all at the Sight of the Privy Council, and that the Discoverers of such Violences be rewarded, *Item.* The Church-Government, as then constitute, is fully ratified. But this Act is rescinded, as in p. 193.

Act XL. Of Annexation of the Offices belonging to the late Earl of Argyle.

THis Act annexes the heritable Offices and Superiorities belonging to the Earl of *Argyle* to the Crown; but rescinded p. 193.

Act XLII. Of Annexation of several Lands to the Crown.

THis Act contains an Annexation of several forfeited Estates to the Crown: But all these Forfeitures are reduced, Act 18. Sess. 2. Parl. 1. *Will. and Mary.* and the Act here abridged rescinded, as in p. 193.

JAMES VII. Parl. 1. Sess. 2. begun April 29. 1686.

Chap. I. Act of Dissolution of the Lands of Cessnock and Duchal.

THis Act dissolves the Lands of *Cessnock* and *Duchal* from the Crown, in favours of the Earl of *Melfort*; but is rescinded p. 193.

Chap. VI. Act for the Christmash-Vacance.

BY this Act the Christmash-Vacance of the Session is appointed from the 20th of *December* to the 10th of *January* yearly; but is rescinded p. 193.

Chap. VII. Act of Dissolution of the Lands and Barony of Torwoodlie, in favours of Lieutenant-General Drummond.

THis Act is obvious from the Title; but is rescinded p. 193.

Chap. IX. Act of Annexation of the Baronies of Muirhall and Melfort to the Crown.

THis Act is obvious from the Title; but is rescinded p. 193.

Chap. XIII. Act of Dissolution in favours of the Duke of Gordon.

THis Act dissolves the Lands of *Mellarstones*, and the other Estate of *Jerviswood*, from the Crown, in favours of the Duke of *Gordon*; but is rescinded, as in p. 193.

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Chap. XXVI. *Act dissolving the Lands and Estates of Earles-
roun, Craichlaw and Caitloch from the Crown, in favours of
Theophilus Okelthrop.*

THis Act is obvious from the Title, and is rescinded p.
193.

Chap. XXVII. *Act of Dissolution of the Lands of Grange, in
favours of Sir Thomas Kennedy Lord Provost of Edinburgh.*

THis Act is obvious from the Title; but is rescinded, as
in p. 193.

Chap. XXVIII. *Act dissolving the Lands of Cultnefs, North-
berwick and Goodtrees, in favours of the Earl Arran.*

THis Act is obvious from the Title; but is rescinded p.
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ABRIDGMENT

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LAWs respecting RELIGION,

From the Revolution (1688.) to the incorporating Union (1707.*)

K. William and Q. Mary, Parl. 1. begun June 5. 1689.

Act I. Declaring the Meeting of the Estates to be a Parliament.

THIS Act declares the Convention of Estates, consisting of Noblemen, Barons, and Burrows, to be a lawful and free Parliament; and that none disown or impugn the same under Pain of Treason. No Estate of Bishops here.

Act II. Recognizing their Majesties Royal Authority.

THIS Act acknowledges the Authority of William and Mary as King and Queen of Scotland, and declares it High-Treason to disown and impugn the same: And ordains, That the Allegiance, insert p. 198. be sworn and subscribed by

* Although the Acts of the Convention of Estates had not all the Authority of Law, yet, as some of them were ratified particularly, others of them generally, and none of them were rescinded, the Titles of such of them as respect Religion are, IV. *Anent an Oath to be taken by Persons in military Employment.* VI. *A Proclamation against Papists.* VII. *For securing suspect Persons.* XI. *Warrant to the Duke of Hamilton to secure suspect Persons.* XII. *The Act* insert p. 175. XVI. *Proclamation against the owning of the late King James, and appointing publick Prayers for William and Mary as King and Queen of Scotland.* XVII. *Articles of Grievances to be redressed, &c.* XX. *The Oath to be administered to the King and Queen at their Acceptance of the Crown.* This agrees with the Act, p. 11. XXX. *Proclamation for a publick Thanksgiving.*

by all in publick Trust; and rescinds all preceeding Laws and Acts of Parliament, in so far as they impose any other Oaths of Allegiance, Supremacy, Declarations and Tests, except the Oath *de fideli*.

Act IV. Rescinding the Forfeiture of the late Earl of Argyle.

THis Act rescinds the Forfeiture of the late Earl, and restores the present Earl, and Posterity of the late Earl, by Way of Justice.

K. William and Q. Mary, Parl. 1. Sess. 2. begun April 25. 1690.

Act IV. Anent Electors of Commissioners to Parliament their taking the Oath of Allegiance.

THis Act is the same upon the Matter with the Title, with the Addition, That Electors not qualifying are to be excluded, or their Vote not to be reckoned.

Act VII. Ordaining the Commissioners of Supply, and their Collectors and Clerks, to take the Oath of Allegiance.

THis Act agrees with, and is obvious from the Title.

Act VIII. Anent the Commissioners of Supply who do not take the Oath of Allegiance.

BY this Act the Oath must be taken betwixt and the first of August, or otherways they must be considered as debarred from the Commission, and the Privy Council may appoint others, excepting such as have otherways qualified, or are elsewhere employed in their Majesties Service.

Act XIV. Impowering the Privy Council to put the Oath of Allegiance to suspect Persons, or to secure them.

THis Act agrees with, and is obvious from the Title.

Act XVI. Rescinding the Forfeiture of Andrew Fletcher of Salton.

THis Act agrees with, and is obvious from the Title.

Act XVII. For Visitation of Universities, Colleges and Schools.

Hereby it is ordained, That all Professors, Principals, Regents, Masters, or others bearing Office in any University, College, or School, subscribe the Confession of Faith, swear and subscribe the Oath of Allegiance, and submit to the present Government of the Church: As also be of sufficient Abilities, and of a pious, loyal and peaceable Conversation, or otherways be removed, and a Commission of Visitation granted for this, with Power to appoint Committees, and this to endure until recalled.

Act XVIII. Rescinding the Forfeitures and Fines past since the Year 1665.

THis Act rescinds the Forfeitures past against 393 Persons, or thereby, named in the Act, amongst which were 23 Ministers or Preachers, some Nobility, and a great Number of Knights and Gentlemen. And this Act excepted from the Act *Salvo*. And by Act 38. *ibid.* the Lords are ordained to give them summary Justice.

Act XIX. Of Dissolution of Lands annexed to the Crown in the Reign of King James VII.

THis Act is obvious from the Title, being no more than a general Dissolution.

Act XXI. Anent murdering of Children.

Hereby it is ordained. That if any Woman conceal her being with Child during the whole Space, and call not for and make use of Help in the Birth, the Child being found dead, or amissing, the Mother shall be repute, procesed, and condemned as the Murderer.

Act XXIV. Concerning vacant Stipends in the Synod of Argyle.

BY this Act the vacant Stipends and Benefices within the Synod of *Argyle* is to be applied to the training up of Youths at Schools and Colleges, and other pious Uses within the Bounds.

Act XXV. Against Profaneness.

THis ratifies all Acts against Profaneness, and particularly the Act abridged, p. 210. and ordains all Magistrates, and other Officers of the Law, to put them to exact and punctual Execution as they will be answerable.

Act XXXI. Rescinding Forfeitures in Absence before the Year 1669. and restoring Caldwell and Kersland, and Mr. William Veitch.

THis Act is obvious from the Title.

Act XXXV. Anent Ministers that have not prayed for the King and Queen.

THE Proclamation, or 16th Act of the Convention 1689. ordaining that all Ministers pray publicly for *K. William* and *Q. Mary*, as King and Queen of *Scotland*, under Pain of Deprivation, is hereby ratified; and Ministers deprived for not praying, as above, are prohibite to exerce any Part of their Ministry any where, until, in Presence of the Council, they take and subscribe the Oath of Allegiance, and engage to pray as above, and not to own *King James*; and that the said Act of the Convention be put to farther Execution at the Council's Sight.

Act XXXVIII. For Security of their Majesties Government.

BY this Act it is ordained, That all obliged to swear the Allegiance, or to whom the same shall be put by the Council, as they are impowered, do also subscribe the Assurance, p. 198.

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K. William and Q. Mary, Parl. 1. Sess. 4. begun April 18. 1693.

Act I. For a monthly Fast.

THIS Act, after a Recital that Application was made to them by the Ministers of the Presbytery of *Edinburgh*, and other Ministers, appoints a monthly Fast, on account of the War, and other Considerations therein mentioned, to begin the third *Tuesday* of *May* 1693. and so to continue monthly till discharged by the Privy-Council. The Disobeyers to be fined in a Sum not exceeding 100 L. and, if Ministers, they are to be processed before the Privy-Council, and the Judge ordinary to report to the Council the Failure of Ministers.

Act XXXVII. Prorogating the Diet of the Ministers taking the Oaths of Allegiance and Assurance.

THE Time for Ministers taking the above Oaths is hereby prorogate to the 10th of *July* next, with Certification as in the Act insert p. 193. &c.

Act XL. Against Profaneness.

THIS ratifies all former Acts against Profaneness; and impowers Presbyteries to appoint Informers and Prosecutors in their respective Bounds.

K. William and Q. Mary, Parl. 1. Sess. 5. begun May 1695.

Act I. For a solemn Fast.

THE Synod of *Lothian* and *Tweeddale* having petitioned his Majesty's Commissioner for this End, a Fast is appointed to be kept the second *Thursday* of *June* 1695. on Occasion of the War, &c. The Pains of disobeying the same as in the Act for a monthly Fast, before abridged.

Act XII. Against irregular Baptisms and Marriages.

BY this Act all outed Ministers are prohibited to baptize or marry under Pain of Imprisonment, till they find Caution to go out of the Kingdom never to return; but is rescinded in the Toleration-Act.

Act XIII. Against Profaneness.

Hereby all Judges, Magistrates, and Justices of Peace are enjoined to put the Laws against Profaneness to Execution at all Times, without the Necessity of a Dispensation, and that against Officers, Soldiers, and all Persons, under the Pain, in case of Failzie upon Requisition, of 100 L. *toties quoties*, to the Poor of the Parish, for which they are to be pursued before the Lords of Session by summary Process.

Act XIV. For restraining the Profanation of the Lord's Day, by keeping weekly Mercats on Monday and Saturday.

BY this former Acts of the Kind are ratified; and it is ordained, That no Markets be kept on these Days, either in Royal Burghs, or any where else.

Act XV. For Encouragement of Preachers at vacant Churches be-north Forth.

THis Act allows such as are employed to preach at such Kirks, 20 Merks for their preaching each Lord's Day, out of the vacant Stipends of the said Kirks, upon a Certificate from the Presbytery; but is afterwards rescinded.

Act XXII. Against intruding into Churches without a legal Call and Admission thereto.

Hereby it is ordained, That who intrudes into any Church, Manse or Benefice, or exercees any Part of the ministerial Function, in any Parish, without a Call and Admission, as in p. 189. be removed, and declared incapable of enjoying any Church or Stipend for seven Years, by any ordinary Judge or Magistrate, upon Complaint of the Presbytery, upon whose Sentence, proceeding on a Citation of

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of Ten Days, Letters are to be direct; and it contains a Recommendation to the Council to remove all Intruders, and to stop and hinder all Ministers deposed, or who shall be deposed, to exerce any Part of their ministerial Function.

Act XLIII. Anent the Poor.

THis Act ratifies and revives all Acts and Proclamations for maintaining the Poor and repressing Beggars, recommending their Prosecution to the Council.

K. William, Parl. 1. Sess. 6. begun September 8. 1696.

Act XXVI. For settling of Schools.

BY this Act it is appointed, That there be a School and Schoolmaster in every Parish, his Fee not under 100 Merks, nor above 200 Merks, to be paid by the Heritors and Liferenters in the Parish, to have Relief for the Half off their Tenants, and that Letters be therefore directed, with the same Privileges as to Suspensions for Ministers Stipends. *Item*, Schools and Schoolmasters declared to be a pious Use, to which Patrons may employ vacant Stipends, excepting from this Act the Synod of *Argyle*, because of the Act in their Favours, (before abridged) and these to be applied at the Sight of the Sheriff.

Act XXVIII. Anent Protestant Servants in Popish Families.

Hereby it is ordained, That who perverts any Subject to Popery, be punished as a trafficking Papist: That Protestant Servants turning Papists are to be punished as Apostates from the true Religion, and the Master be obliged to put them, when required, out of his Service: And all Popish Masters having Protestant Servants, shall allow them freely to attend Worship on the Lord's Day, and other Diets of Worship and Catechising, under the Pain of 100 *L. Scots*.

Act XXIX. For the better securing the Poor and relieving of Beggars.

THis Act ratifies, as in the Act before abridged, and impowers the Council to grant Commissions for inspecting the Poor; as also to make Acts, for the End foresaid, to endure till the next Session of Parliament.

Act XXXI. Against Profaneness.

Hereby are ratified all former Acts against Profaneness, and all Judges required to put them to full Execution at the Instance of any Pursuer whatever; and Bailies are to be appointed for every Parish, with Power to fine instantly, for pious Uses, and imprison, and Advocations are discharged; as also Suspensions, except on Consignation or Discharges; and, in case of calumpious Suspension, a Third more to be decreed for; and who cannot pay to be punished in his Person.

Act XXXV. Against Duels.

Hereby it is ordained, That no Principal, or Second, or other Person, give a Challenge to fight and combat, or accept the same, or any other engage therein, albeit no Fight ensue, under the Pain of Banishment and Escheat.

K. William, Parl. 1. Sess. 7. begun July 19. 1698.

Act II. For preventing of Disorders in the supplying and planting of vacant Churches.

Hereby it is ordained, That none oppose, by Rabbling, Tumult, or any Violence, any Minister duly sent to supply the Vacancy of, or exerce the Ministry in any Parish, under the Pain of 100 L. each Heritor or Liferenter, and of 50 Merks every unlanded Person, *tories quoties*, or to be punished corporally by the Council; and to this Case is extended the Act, *Charl. I. Parl. 1. Cap. 7.* And the Heritor or Liferenter, in whose Bounds any of the Rabblers resides, is bound, upon

upon Intimation by the Minister injured, or of the Presbytery, to produce them, wherein if they failzie, or suffer thereafter the said Rabbler to haunt openly in their Bounds by the Space of 20 Days, they shall be held to be Art and Part, and so punished by the Council. *Item*, When the Keys of Kirks are refused to be given up to Presbyteries, the next Magistrate or Justice of Peace, if required, is bound to make the Doors patent, and put new Locks thereon, and give the Keys to the Presbytery, under the Pain of 100 L. attour the Presbytery's Expences, to be inflicted by the Council, for the Use of the Poor.

Act VI. Anent clandestine and irregular Marriages.

BY this Act the Parties married declare the Celebrator and Witnesses, and, if they refuse, must pay, the Nobleman 2000 L. the Baron and landed Gentleman 2000 Merks, each other Gentleman and Burgess 1000 L. and each other Person 100 Merks, to be applied to pious Uses within the Parish, and be imprisoned till they pay, and declare, as above. *Item*, The Celebrator may be summarily seized and imprisoned, and banished, or otherways punished, either pecunially or corporally, as the Privy Council shall think fit, and the Witnesses fined in 100 L. *toties quoties*, or subjected to corporal Punishment.

Act XXII. Anent the Poor.

THIS Act ratifies and revives, fully and particularly, former Acts anent the Poor, and likewise impowers the Council, as above.

K. William, Parl. 1. Sess. 9. begun October 29. 1706.

Act III. For preventing the Growth of Popery.

Hereby are ratified the Acts following, *viz.* James VI. Par. 6. Cap. 71. Par. 7. Cap. 104. *Ibid.* William and Mary, Par. 1. Sess. 5. Cap. 26. with all other Laws made against

against Popery and Papists; especially these against Jesuits, Priests and trafficking Papists, and all Sayers and Hearers of Mass, and Concealers of the same. *Item*, Whoever seizes any Priest, Jesuit, or trafficking Papist, or their Resettlers, upon Certificate of the Conviction of the Person seized, by the Judge, shall have 500 Merks for his Reward from the Treasury, for which the Receiver-General may be pursued before the Lords of Session. *Item*, If it be proven, that the said Priest, Jesuit, or trafficking Papist, was held and reputed such, or that he changed his Name, or goes under another Name, and shall refuse the *Formula* of Purgation subjoined to the Act, it shall be sufficient Ground for the Council to banish him, never to return a Papist, under Pain of Death, to be inflicted by the Lords of Justiciary, as in the Act. *Item*, If any Person be found in any Meeting, where there is either Altar, Mass-Book, or other Instruments of Popish Superstition, and shall refuse to purge as above, it shall be sufficient Ground to the Council to banish, under any Certification they shall think fit, even to that of Death *includive*; and whosoever discovers and seizes the said banished Priest, &c. after his Return, shall have the foresaid Reward of 500 Merks, as above; and this without Prejudice of former Laws. *Item*, The Act, Charles II. Par. 1. Cap. 1. anno 1661. ratified: And any Protestant Relation, or his Majesty's Advocate or Solicitor, may pursue for the Exhibition and Education of Children in the Keeping of Papists: And the Lords of Council, or Lords of Session, are empowered to modify an Alimant out of the Childrens or their Parents Means: And it is recommended to Presbyteries to inform in this Matter. *Item*, No Papist profess, or not purging, can receive any voluntary Deed or Disposition made to them of any Lands, or real Rights, or Tacks of Lands, or Tiends, but the same are declared null, and to remain with the Granter, and no Action for Warrandice or Repetition of the Price. *Item*, No Papist, past the Age of fifteen Years, can succeed either as Heir, or by other Conveyance from the Person to whom he may be Heir, until he purge himself of Popery, as above; and if, being educate in the Popish Religion, he succeed, as above, before the said Age, then he shall be obliged to purge before he attain the same: And the Person so succeeding failing

failing in either of these Cases, the Succession devolves to the next Protestant Heir, who is to be served as such to the Defunct, and to have Right to the Estate and Rents from the said Irritancy, ay and while the Person excluded, or his Heir, purge himself as above; in which Case he is to be reponed as before the Exclusion, the intervening Rents, with the Burden of the current Annualrents of Debts, remaining with the Protestant Successor; but this Exclusion to be without Prejudice of Creditors before the Exclusion. *Item*, No Papist may grant any gratuitous Deed in Prejudice of his Heir, but the same is declared null, save as to the affecting the Granter's Person or Moveables. *Item*, The Protestant, on whom the Succession devolves by the said Exclusion, must prosecute his Right within two Years, else it falls to the next, and so furth. *Item*, The Papist and his Heir must renounce Popery within Ten Years after the said Irritancy, (Minority not reckoned) or is to be excluded for ever; and the Estate, thus devolving, devolves with all its lawful Conditions and Burdens. *Item*, No voluntary Right by a Papist, in favours of his apparent Heir, also a Papist, shall be of Force, though prior to this Act 23d November 1700. unless clad with Infestment or Possession, or produced in Judgment of before. *Item*, All Dispositions or Deeds in favours of Cloysters, or other Popish Societies, are declared void, and to accresce to the next Protestant Relation to the Granter. *Item*, No Adjudication is to expire in the Person of a Papist; but coming in the Person of a Protestant, the Legal being run, it expires within Year and Day thereafter; and no Adjudication or real Diligence is competent to a Papist upon any gratuitous Bond or Deed. *Item*, That the Formula of Purgation be taken before the Council, or before the Presbytery, and reported within Forty Days to the Council. *Item*, A Protestant apostatizing to Popery, by Profession or Practice, forfeits his Estate immediately to his next Heir being Protestant, as if he were dead; and this next Heir, if in Pupillarity, is to be reckoned Protestant, if his Education be such; or, if it be Popish, he is excluded until he purge, as above. *Item*, That no such suspect Papist be capable of any Trust of the Persons or Affairs of Minors; and that none employ them in such Trusts until they purge.

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as above, under the Pain of a Year's valued Rent, or a 1000 Merks, if the valued Rent be less, or the Employer no Heritor, *toties quoties*; and such Commissions, Tutories or Curatories, are declared void. *Item*, No suspect Papist may teach any Science, Art or Exercise, in Families, or outwith, nor may a Protestant have a Popish domestick Servant, under the Pain of 500 Merks: And these Pains may be pursued by any Protestant; and, upon Conviction, he is to have the same for Reward.

Act XI. Against Profaneness.

THis ratifies all former Acts against Profaneness, and, in case any Person be excommunicate, or declared contumacious, on account of Immorality, the Council, on Application by the Presbytery, Synod or Assembly, are to represent him as unfit for publick Trust.

Queen Anne, Parl. 1. begun June 9. 1702.

Act V. For a National Fast.

THis Act appoints a National Fast, on account of the War, &c. upon the second *Thursday* of July 1702. under the same Pains as the former Fasts.

Queen Anne, Parl. 1. begun May 6. 1703.

Act III. Ratifying the Turning of the Meeting of the Estates in the Year 1689. into a Parliament.

Herein, after ratifying the first Act, *Parl. 1. of K. William and Q. Mary*, the Parliament declares, 'That it shall be High-Treason in any of the Subjects of this Kingdom, to quarrel or impugn, or endeavour by writing, malicious and advised Speaking, or by any other open Act or Deed, to alter or innovate the Claim of Right, or any Article thereof.'

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Queen Anne, Parl. 1. Sess. 4. begun October 3. 1708.

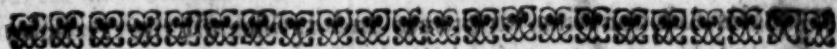
Act VII. Ratifying and approving the Treaty of Union of the two Kingdoms of Scotland and England.

THIS Act contains, approves and ratifies all the Articles of Union, whereof this is the second, namely, That the Succession to the Monarchy of the united Kingdom of Great-Britain, and of the Dominions thereunto belonging, after her most Sacred Majesty, and in Default of Issue of her Majesty; be, remain and continue to the most excellent Princess Sophia, Electress and Dutches Dowager of Hanover, and the Heirs of her Body being Protestants, upon whom the Crown of England is settled by an Act of Parliament, made in England in the twelfth Year of the Reign of his late Majesty King William the Third, intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*; and that all Papists, and Persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess or enjoy the imperial Crown of Great-Britain, and the Dominions thereunto belonging, or any Part thereof: And, in every such Case, the Crown and Government shall, from Time to Time, descend to and be enjoyed by such Person, being a Protestant, as should have inherited and enjoyed the same in case such Papists, or Person marrying a Papist, were naturally dead, according to the Provision for the Descent of the Crown of England, made by another Act of Parliament in England in the first Year of the Reign of their late Majesties K. William and Q. Mary, intituled, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*. Item, This Act contains the Act of Security before insert, to which is subjoined the Act settling the Manner of electing the 16 Peers and 45 Commoners, and the Exemplification (*i. e.* what we call an Extract) under the Great Seal of England, of the Act of the Parliament of that Kingdom, intituled, *An Act for an Union of the two Kingdoms of England and Scotland, as the same was transmitted to the Parliament of Scotland, and ordered to be recorded*. This contains only a Repetition of the former Acts, with the Act settling Episcopacy in England, &c. which, according to Sir

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James Stewart (whom, since *Glendok* ended, I have copied after in the Abridgments) are engrossed as Points and Conditions of the Union.



A N A B R I D G M E N T O F T H E

L A W S respecting RELIGION,

From the *incorporating Union* (1707.) to the present Time, not contained in the foregoing Collection.

An ACT made *anno sexto Annæ Reginae* (1707.)

An Act for the better Security of her Majesty's Person and Government.

BY this the Oath of Abjuration* is appointed to be taken by all such Persons in *Scotland*, as, by former *Scottish Acts* of Parliament†, were obliged to take the Oath of Allegiance and sign the Assurance; and this on Pain of Deprivation: And if, without taking the said Oath, they shall continue to officiate, they are to incur the Penalties of an *English Act*, 14th *Gulielmi III.* intitled, *An Act for further Security*

* See it subjoined to the Abridgment of this Act.

† See p. 199.

city of his Majesty's Person and Government, &c. - Moreover all Justices of Peace, and other Judges, are impowered to convene before them any Person they suppose to be disaffected, and tender to them the said Oath, and certify the Names of the Refusers to the Court of Session, there to be recorded; And if such Person shall not, within the next Term after the Refusal, appear and take the Oath, he is to be adjudged a Popish Recusant convict.

The present Form of the Oath of *Abjuration*.

I *A. B.* do truly and sincerely acknowledge, profess, testify and declare in my Conscience, before God and the World, That our Sovereign Lord King *George II.* is lawful and rightful King of this Realm, and all other his Majesty's Dominions and Countries thereunto belonging: And I do solemnly and sincerely declare, That I do believe in my Conscience, that the Person pretended to be Prince of *Wales* during the Life of the late King *James*, and, since his Decease, pretending to be, and taking on himself the Stile and Title of King of *England*, by the Name of *James III.* and of *Scotland*, by the Name of *James VIII.* hath not any Right or Title whatsoever to the Crown of this Realm, or any other the Dominions thereto belonging: And I do renounce, refuse and abjure any Allegiance or Obedience to him; and I do swear, That I will bear Faith and true Allegiance to his Majesty King *George II.* and him will I defend, to the utmost of my Power, against all traiterous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown or Dignity; and I will do my best Endeavours to disclose and make known to his Majesty and Successors, all Treasons and traiterous Conspiracies which I shall know to be against him, or any of them: And I do faithfully promise, to the utmost of my Power, to support, maintain and defend the Limitation and Succession of the Crown, against him the said *James*, and all other Persons whatsoever, as the same is and stands limited by an Act, intituled, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown to his Majesty, and the Heirs of his Body,*

dy, being Protestants; and as the same, by another Act, intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is and stands limited to the late Princess *Sophia*, Electress and Dutches Dowager of *Hanover*, and the Heirs of her Body, being Protestants: And all these Things I do plainly and sincerely acknowledge and swear, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever: And I do make this Recognition, Acknowledgment, Abjuration, Renunciation, and Promise, heartily, willingly and truly, upon the true Faith of a Christian. So help me God.

Anno septimo Annæ Reginæ (1708.)

An Act to prevent laying of Wagers relating to the Publick.

THis Act prohibits the laying of Wagers relating to the Publick, otherways the Parties to be fined in the Double of the Wager.

An Act for improving the Union of the two Kingdoms.

BY this Act, whatsoever is High-Treason, or Misprision of Treason in *England*, is to be (from *July 1. 1709.*) construed Treason or Misprision of Treason in *Scotland*.—No Person indicted of any capital Crime is to be subjected to Treason.

Anno decimo Annæ Reginæ (1711.)

An Act for preserving the Protestant Religion, by better securing the Church of England as by Law established, and for confirming the Toleration granted to Protestant Dissenters by an Act, intituled, An Act for exempting their Majesties Protestant

stant Subjects, dissenting from the Church of England, from the Penalties of certain Laws, and for supplying the Defects thereof, and for the further securing of the Protestant Succession, by requiring the Practisers of the Law in North-Britain to take the Oaths, and subscribe the Declaration therein mentioned.

IN this Act there is, among other Things, a Clause inserted, appointing all Advocates, Writers to the Signet, Notaries-Publick, and other Members of the College of Justice, to take the publick Oaths before the Lords, excepting such as have already taken the same, on Pain of being disabled to practise; and no Person for hereafter to be admitted to such Office till he first take the said Oaths.

An Act to prevent the disturbing those of the Episcopal Communion in that Part of Great-Britain called Scotland, in the Exercise of their religious Worship, and in the Use of the Liturgy of the Church of England, &c.

BY this Act such as are of the Episcopal Communion, in Scotland, are allowed to assemble for divine Worship, to be performed after their own Manner, by Pastors ordained by a Protestant Bishop, and who are not Ministers of any Church, and to use the Liturgy; and all Magistrates are required to protect and assist them, and those of their Communion, in their Meetings for Worship, except within Parish-Churches; but they are first ordained to present their Letters of Ordination to the Justices of Peace, who are to cause enter the same upon Record. Farther, both Presbyterian Ministers, and such of the Episcopal Communion as shall set up publick Worhship, are ordained to take the Oaths of Allegiance, Assurance and Abjuration, under the same Penalty as Officers Civil or Military, as is enjoined 6to Anna. by the Act, intituled, *An Act for the better Security of her Majesty's Person and Government*, provided that the Meetings of those of the Episcopal Communion be held with open Doors. Moreover, the Act of the Scottish Parliament 1695. intituled, *An Act against irregular Baptisms and Marriages*, by which all outed Episcopal Ministers are prohibited to baptize or solemnize Marriage, upon Pain of perpetual Imprisonment or Banishment,

ment, is repealed, and no Person to incur any Penalty for resorting to Episcopal Meetings for Worship, not being in Churches, and Episcopal Ministers are allowed to pray, preach, administer Sacraments, marry, &c. there; only the Parents of Children so baptized are to enter the Birth and Christening in the Parish-Register, and Persons so married are to have their Banns published three Lord's Days in the Episcopal Congregation which both Parties frequent, and in the Churches to which they belong as Parishioners, and that upon the Penalties of the *Scottish* Laws against clandestine Marriages: And the Ministers of the Parish Churches are by the Act obliged to publish the Banns, and, in case of Neglect or Refusal, it is declared sufficient to publish them in the Episcopal Congregation alone: But all the Laws against Profaneness and Immorality are still declared to be in Force, nor is there any Indulgence hereby meant to Popish Recusants or Deists. The Disturbers of such Meetings are to be bound in Recognizance in 50 L. to appear before any Judge competent, and, being convicted, to forfeit 100 L. The like as to Magistrates who shall padlock such Meeting-House Doors, &c. Lastly, The civil Pain of Excommunication is also taken away, and none are to be compelled to appear before Church-Judicatories; but all are to pray in express Words for Queen *Anne*, Princess *Sophia*, &c. upon Pain of 20 L. for the first Fault, and silencing three Years for the second; but these Delinquences are to be prosecuted within two Months after the Fault committed.

An Act to restore the Patrons to their ancient Rights of presenting Ministers to the Churches vacant in that Part of Great-Britain called Scotland.

BY this Act the Right of Patrons in *Scotland* is restored as to presenting Ministers, &c. and the *Scottish* Act 1690. concerning Patronages, with the 15 Act, Parl. 1. Sess. 5. K. *Will.* and Q. *Mary*, and the 13 Act, Sess. 6. of the said Parliament in *Scotland*, for encouraging Preachers in vacant Churches be-north *Forth*, are repealed, and the Presbytery is now obliged to admit such Persons presented as formerly; and this in case the Patron has not actually renounced. The Patron

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neglecting to present within six Months, the Presbytery, *pro ea vice*, is to present *jure devoluto*; but the Patron is first to take the publick Oaths, otherways the Right devolves upon the Crown *pro ea vice*. The like where the Patron is Popish, or suspected to be so, and refuses to sign the Formula contained in the third Act of the Scottish Parliament 1700.

An Act for repealing Part of an Act past in the Parliament of Scotland, intitled, An Act for discharging the Yule-Vacance.

THE Scots Act 1690. discharging the Yule-Vacance, is by this Act repealed, and the Christmash-Vacation of the Session, and all inferior Courts in Scotland, is appointed to be from the 20th of December to the 10th January both inclusive, whereby the Act of the Scottish Parliament 1686. is revived.

Anno primo Georgii Regis (1714.)

An Act for making perpetual an Act of the seventh and eighth Years of the Reign of his late Majesty King William the Third, intitled, An Act that the solemn Affirmation of the People called Quakers shall be accepted instead of an Oath in the usual Form, &c.

THIS Act is obvious from the Title, with which it agrees.

Anno primo Georgii Regis (1714.)

An Act for the farther Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestant, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors.

BY this Act the publick Oaths are of new enjoined upon all in publick Trust Civil or Military, and all Heads,

Heads, Masters and Members of Colleges, Halls or Classes in the Universities of *St. Andrews, Glasgow, Aberdeen and Edinburgh*; and also all Probationers of Divinity before they enter upon Trials, and all Schoolmasters, &c. and Justices of Peace, &c. are impowered to put these Oaths to all they suspect, and the Refusers to be deprived *ipso facto*.

Anno quinto Georgii Regis (1718.)

An Act for making more effectual the Laws appointing the Oaths for Security of the Government, to be taken by Ministers and Preachers in Churches and Meeting-Houses in Scotland.

THis Act enjoins a Form of Abjuration, differing from the former in little else than that it leaves out the Reduplication upon the Acts mentioned in the other. Ministers or Preachers in Meeting-Houses are required to pray in express Words for his Majesty and the Royal Family; and Probationers, insisting for Licence or Ordination, without so qualifying, shall be liable to six Months Imprisonment, and declared incapable to enjoy any Benefice, &c. by Virtue of any Presentation, Call, or other Settlement, for a Year after they shall take the Oaths. Hereby it is also enacted, that every Person who now is, or shall be ordained or admitted a Minister of the Church of *Scotland*, except such as had taken the former Abjuration-Oath, shall, on or before *June 1. 1719.* take and subscribe the Oath of Allegiance and Assurance, with the Oath of Abjuration hereby prescribed, under such Penalties and Disabilities as by the Act made in the first Year of the Reign of his present Majesty is directed, and shall cause enter a Certificate thereof in the Books of the Judge ordinary.

Anno

Anno octavo Georgii Regis (1721.)

An Act for granting the People called Quakers such Forms of Affirmation or Declaration as may remove the Difficulties which many of them ly under.

Hereby a new Form of Declaration of Fidelity, and of another Declaration, importing the Effect of the Oath of Abjuration, is prescribed for Quakers, much the same with the Form of Abjuration prescribed to Presbyterian Ministers in Scotland, only this of the Quakers makes Mention of the Acts of Parliament recited in the Abjuration Oath, which the other omits. There is also a Formula prescribed for the solemn Affirmation of Quakers, in case they be called to make Oath, which is to run thus : (I A. B. do solemnly, sincerely and truly declare and affirm, &c.)

Anno nono Georgii Regis (1722.)

An Act to oblige all Persons, being Papists, in that Part of Great-Britain called Scotland, and all Persons in Great-Britain refusing or neglecting to take the Oaths appointed for the Security of his Majesty's Person and Government, by several Acts herein mentioned, to register their Names and real Estates.

THis Act agrees materially with the Title, with the Addition, That, in Default of such Swearing or Registering, the Party is to forfeit the Fee-Simple of all such Estate : And Ministers, taking the above new Oath enjoined to them, are exempted from all further Swearing ; and Papists are, over and above the Oaths, to take the Formula. But, by an act the Year following, Women are exempted from Swearing, &c.

Anno nono Georgii II. Regis (1735.)

An Act to repeal the Statute made in the first Year of the Reign of King James I. intitled, An Act against Conjurat[i]on, Witchcraft, and dealing with evil and wicked Spirits, except so much thereof as repeals an Act of the fifth Year of the Reign of Queen Elisabeth, against Conjurat[i]ons, Inchantments and Witchcrafts, and to repeal an Act passed in the Parliament of Scotland, in the ninth Parliament of Queen Mary, intitled, Anentis Witchcrafts, and for punishing such Persons as pretend to exercise or use any Kind of Witchcraft, Sorcery, Inchantment or Conjurat[i]on.

BY this the Act i. James I. against Conjurat[i]on, &c. is repealed, except a Clause repealing the Statute in the 5th of Elisabeth. The Act in Scotland, 9no Maria, is also repealed: And, after June 24. 1736. no Person is to be prosecuted for Witchcrafts, Sorcery, Inchantment or Conjurat[i]on, or for charging others with any such Offence. Persons pretending to exercise Witehcraft, tell Fortunes, or, by crafty Science, to discover stolen Goods, are, for every such Offence, to be imprisoned for a Year, be pilloried once every Quarter of it, and bound for good Behaviour.

Anno decimo Georgii II. Regis (1737.)

An Act for the more effectual bringing to Justice any Persons concerned in the barbarous Murder of Capt. John Porteous, and punishing such as shall knowingly conceal any of the said Offenders.

BY this Act, Fugitives not surrendering themselves were to suffer Death when apprehended; and Persons concealing them, being thereof convicted, to suffer Death. This Act to be read every Sunday, immediately before Sermon, in all the Churches of Scotland for a Year, from the first of August 1737. otherways such Minister to be, for the first Offence, declared incapable of sitting or voting in any Church-Judicature; and, for the second Offence, be declared incapable

pable of taking, holding or enjoying any Benefice in Scotland. Item, Offenders turning Impeachers to be pardoned; and Informers to be allowed 200 L. and admitted Witnesses.

Three ACTS made anno decimo nono Georgii II. Regis (1745.) viz.

An Act more effectually to prevent profane Cursing and Swearing.

THIS Act ordains, That every profane Curser or Swearer pay as follows, viz. Every common Man One Shilling; every other Person under the Degree of a Gentleman Two Shillings; and every Person of or above the Degree of a Gentleman Five Shillings; and so much more for every Time the Offence is committed. Constables are impowered to seize such, if unknown, and bring them before the next Justice of Peace, or Magistrate, who is to convict them on the Officer's Oath; and, if they are known, he is to make Information against them, and the Justice of Peace or Magistrate is, upon Information, to order the Party to appear, and to fine him as above, which must be immediately paid down, or Security given; or, if the Offender be insolvent, he must be committed for ten Days to the Correction-House, except common Soldiers or Sailors, who, not paying, are to be put in Stocks. — Justices and Magistrates, not doing their Duty, are to forfeit 5 L. and Constables, not doing theirs, are to forfeit 2 L. All which Penalties are to be given to the Poor of the Parish within which the Offender lives. Offenders must also pay the Expence of Suit, or be committed to the Correction-House for Six Days extraordinary: But this Offence must be prosecuted within eight Days after committing thereof.

An Act more effectually to prohibite and prevent Pastors or Ministers from officiating in Episcopal Meeting-Houses without duly qualifying themselves according to Law, and to punish Persons for resorting to any Meeting-Houses where such unqualified Pastors or Ministers shall officiate.

Hereby it is ordained, That Sheriffs do inquire into the Number of Episcopal Meeting-Houses in their Bounds: Of these Lists are to be made and entered, and Copies thereof to be transmitted to Parliament. Pastors in such Houses must produce Certificates of their being qualified according to Law. The Clerk of the Court where they qualify must enter the same, transmit Copies of it to the Parliament, and an attested Copy must be affixed on the Meeting-House. Ministers in these Houses must pray for his Majesty and the Royal Family by Name, as directed in the Liturgy. Pastors not producing Certificates of their qualifying, their Meeting-Houses are to be shut up, and the Proprietor bound to give Security that it shall not be so used and employed before he have Access thereto.—Pastors unqualified, officiating in Episcopal Meeting-Houses, shall, for the first Fault, suffer Imprisonment for six Months, and for any subsequent Offence shall be transported; and, in case they return, shall be imprisoned for Life.—Persons resorting to Episcopal Meeting-Houses unregistred, and not informing, forfeit 5 L. Such Ministers must have Letters of Orders from a Bishop of the Church of England or of Ireland. Prosecutions on this Act must be commenced within twelve Months after the Offence. Peers, or others, present at such unqualified Meetings, are thereby disqualified from choosing or being chosen Members of Parliament.—Officers, Civil or Military, resorting to them, are to be disabled for a Year: And Magistrates, not doing their Duty in the Premises, are to forfeit 50 L. *toties quoties*; one Half to the Informer, and the other to the Poor.

An Act for the more effectual disarming the Highlands in Scotland, &c.—and for obliging the Masters and Teachers of private Schools in Scotland, and Chaplains, Tutors and Governors of Children or Youth, to take the Oaths to his Majesty, his Heirs or Successors, and to register the same.

BY this it is, *inter alia*, enacted, That, after the first of *November 1746*: the Situation and Description of such Schools must be registred in a Book kept for that Purpose by the Clerks of the Shires, &c. and the Masters or Teachers must qualify, by taking the Oaths appointed by Law, and take out Certificates thereof. As often as Prayers are said in these Schools, his Majesty, &c. to be prayed for by Name; and these Masters must not resort to Episcopal Meeting-Houses unlicensed, otherways must, for the first Offence, suffer Imprisonment for six Months; and, for the second or after Offences, be adjudged to be transported, and accordingly shall be transported to *America*; and, in case of Return, be imprisoned for Life. And Parents, &c. sending Children to unregistred Schools, shall, for the first Offence, be liable to Imprisonment for three Months; and for the second, or any after Offence, Imprisonment for two Years; And by this Act also it is enacted, That, after the first of *November 1746*. Chaplains, &c. in Families, must take the Oaths, and cause a Certificate of his having so done to be registred: Provided that every Chaplain, Schoolmaster, &c. of the Communion of the Church of *Scotland*, take the Oath directed to be taken by Preachers, by an Act *anno primo Georgii I.* And Persons keeping Chaplains, &c. who have not qualified, shall, for the first Offence, suffer six Months Imprisonment; and, for any subsequent Offence, two Years Imprisonment,

N. B. The Justices, or any other Judge competent, may inflict the first Penalty; but the Justiciary or Circuit-Court must judge of the second; and Sheriffs, Stewarts, and Magistrates of Burghs, are to inquire into, and prosecute the first Offence against this Act, and dilate after Offences to the King's Advocate.

Anno

Anno viceſimo Georgii II. Regis (1746.)

An Act for taking away and abolishing the heritable Jurifdictions in Scotland, &c. — and for obliging all Persons acting as Procurators, Writers, or Agents in the Law, in Scotland, to take the Oaths, and for rendering the Union of the two Kingdoms more compleat.

Hereby it is, *inter alia*, ordained, That Agents, &c. in the Courts of Seſſion and Juſticiary, Sheriff or Stewart-Courts, take and ſubſcribe the Oaths, and register a Certificate thereof in the Court to which they belong, betwixt and the 29th September 1747. or forfeit 20 L. one Half to the King, and the other to the Informer; and that none be allowed to enter upon, or praſe as ſuch, till they have ſo qualified, &c.

Coronation-Oath for Scotland, as appointed by the Act of Security, before inſert.

I — King of Great Britain, France and Ireland, Defender of the Faith, do faithfully promiſe and ſwear, That I ſhall inviolably maintain and defend the true Proteſtant Religion, with the Government, Worſhip, Diſcipline, Rights and Privileges of the Church of Scotland, as eſtabliſhed by the Laws made there, in Proſecution of the Claim of Right.

Coronation-Oath for England, as appointed by an Act of their Parliament in the 12th of King William III. and by their Act ratifying the Laws for Religion, ingreſſed in their Ratification of the Union.

I — King of Great Britain, France and Ireland, Defender of the Faith, do faithfully promiſe and ſwear, That I ſhall maintain and defend inviolably the Settlement of the Church of England, and the Doctrin, Worſhip, Diſcipline and Government thereof, as by Law eſtabliſhed, within the Kingdoms of England and Ireland, the Dominion of Wales, and Town of Berwick upon Tweed, and the Territories thereto belonging.

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